

Volume 4

STATUTES OF CALIFORNIA

AND DIGESTS OF MEASURES

1984

Constitution of 1879 as Amended

**Measures Submitted to Vote of Electors,
Primary Election, June 5, 1984
and General Election, November 6, 1984**

**General Laws, Amendments to the Codes, Resolutions,
and Constitutional Amendments passed by the
California Legislature**

**1983-84 Regular Session
1983-84 Second Extraordinary Session**



Compiled by
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CALIFORNIA LEGISLATURE

1983-84 REGULAR SESSION

1983-84 SECOND EXTRAORDINARY SESSION

SUMMARY DIGEST

of

**Statutes Enacted and Resolutions (Including Proposed
Constitutional Amendments) Adopted in 1984**

and

1979-1984 Statutory Record



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PREFACE

Digests

The Summary Digest consists of a short summary of each law enacted, and of each constitutional amendment, concurrent or joint resolution adopted by the Legislature in 1984. Except for technical corrections indicated by “*” (words stricken out or added), the summary of each measure is identical to the Legislative Counsel’s digest which appeared on the face of the legislative measure when placed on final passage by both houses.

Cross-Reference Tables

The text of the Summary Digest is arranged numerically by chapter number.

Cross-reference tables are arranged numerically by bill or resolution number and indicate the chapter number of each.

Index

A subject matter index to all measures, including constitutional amendments and resolutions, is included.

Statutory Record

This edition of the Summary Digest includes a cumulative statutory record for 1979–1984, followed by a list of concurrent resolutions adopted in 1979–1984, which affect concurrent resolutions adopted in prior years, and lists of new general laws passed in the years 1979–1984 which do not specifically amend, add to, or repeal any existing code or general law. Cumulative statutory records for 10-year periods, 1969–1978, 1959–1968 and 1949–1958, and for the 16-year period, 1933–1948, are published in separate volumes, which supplement the original statutory record, 1850–1932, published in 1933.

ABBREVIATIONS

AB	Assembly Bill
ACA.....	Assembly Constitutional Amendment
ACR.....	Assembly Concurrent Resolution
AJR	Assembly Joint Resolution
SB.....	Senate Bill
SCA	Senate Constitutional Amendment
SCR	Senate Concurrent Resolution
SJR	Senate Joint Resolution
Sec	Section
Art.	Article
Ch.. ...	Chapter
Res Ch ..	Resolution Chapter
Pt. ...	Part
Div	Division
Stats	Statutes

EFFECTIVE DATES

Regular Session

The 1983–84 Regular Session reconvened on January 3, 1984, and adjourned sine die on November 30, 1984. Statutes enacted in 1984, other than those taking immediate effect, will become effective January 1, 1985. In absence of other considerations, the provisions of a statute become operative on the date it takes effect. Digests indicate statutes taking immediate effect.

An urgency statute and a statute calling an election, providing for a tax levy, or making an appropriation for the usual current expenses of the state may take effect immediately. Such a statute becomes *effective* on the date it is filed with the Secretary of State.

However, any statute may, by its own terms, delay the *operation* of its provisions until the happening of some contingency, until a specified time, or until a vote of the electors at a statewide election. Also, a later statute or a general provision in a particular code may delay the operation of a statute to a time after its effective date.

The effective date of a joint or concurrent resolution is the date it is filed with the Secretary of State.

A constitutional amendment proposed by the Legislature and adopted by the people takes effect the day after the election unless the measure provides otherwise.

Extraordinary Session

An urgency statute enacted at a special session of the Legislature takes effect immediately, as outlined above, and the same rules apply with respect to a delayed *operative* date. A nonurgency statute takes effect on the 91st day after adjournment of the special session at which the bill was passed.

The 1983–84 Second Extraordinary Session convened on January 19, 1984, and adjourned sine die on February 17, 1984. The 91st day after adjournment is May 18, 1984.

DIGESTS OF STATUTES
ENACTED IN 1984

1983-84 REGULAR SESSION

BILL CHAPTERS**Ch. 1 (SB 404) Watson Healing arts: Olympic team physicians.**

Existing law regulates the medical practice of Olympic team physicians in California during the Olympic games in 1984, as specified, and requires each physician designated as an Olympic team physician not holding a current and valid California license to submit to the Division of Licensing evidence of licensure or certification and a current curriculum vitae

This bill would delete the requirement that each physician designated as an Olympic team physician not holding a current and valid California license submit to the Division of Licensing evidence of licensure or certification and a current curriculum vitae.

The bill would, in addition, provide that an official team manager who is responsible for any team member participating in the Olympic games in California may give consent to the furnishing of hospital, medical, and surgical care to a minor who is a team member

The bill would take effect immediately as an urgency statute

Ch. 2 (AB 1512) Alatorre. Information Practices Act.

The Information Practices Act of 1977 restricts disclosure of personal and confidential information, as specified, which is contained in public records and which would otherwise be public

This bill would amend the act to clarify that information may be disclosed by an agency to an individual to whom the record pertains and would provide for disclosure of information to agency attorneys as specified. This bill would provide that an agency is not required to disclose confidential information, as specified, to an individual. This bill would also make nonsubstantive changes in the act

Ch. 3 (AB 470) Campbell Community colleges

Under existing law, community college districts receive state apportionments from Section B of the State School Fund

This bill would appropriate \$96,541,000 for apportionment to community college districts in augmentation of the amount appropriated by Schedule (a) of Item 6870-101-001 of the Budget Act of 1983 for apportionments to community college districts

This bill would take effect immediately as a statute providing an appropriation for the usual current expenses of the state

Ch. 4 (SB 310) Presley. Correctional facilities. bonds.

Existing law provides for the County Jail Capital Expenditure Fund and for expenditures from that fund as specified.

This bill would enact the County Jail Capital Expenditure Bond Act of 1984, which, if adopted by the people, would authorize the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$250,000,000 to provide for the construction, reconstruction, remodeling, replacement, and deferred maintenance of county jail facilities, pursuant to criteria adopted by the Legislature.

Existing law contains the New Prison Construction Bond Act of 1981.

This bill would enact the New Prison Construction Bond Act of 1984, which, if adopted by the people, would authorize the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$300,000,000 to provide for the construction, renovation, remodeling, and deferred maintenance of state correctional facilities.

The bill would take effect immediately as an urgency statute.

Ch. 5 (AB 2099) Farr. Park and recreational land acquisition and development program bond issue.

(1) Under existing law, state general obligation bonds have been issued pursuant to the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964 and the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974 to provide funds to acquire and establish state and local beaches, parks, recreational facilities, and historical resources, and pursuant to the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976 and the California Parklands Act of 1980 to provide funds to acquire, develop, and restore real property for state and local park, beach, recreational, and historical resources preservation purposes

This bill would make legislative findings regarding the need for parks, beaches, recrea-

tion areas, recreational facilities, and historical resources preservation projects, and would enact the California Park and Recreational Facilities Act of 1984, which, if adopted, would authorize the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$370,000,000 for the acquisition, development, rehabilitation, or restoration of real property for park, beach, recreational, or historical preservation purposes, as specified.

(2) The bill would provide for submission of the bond act to the voters at the June 1984 election and those provisions would take effect upon adoption by the voters, except that procedural provisions governing the submission of the bond act would take effect immediately as an urgency statute.

Ch. 6 (SB 512) Hart. Fish and wildlife habitat enhancement: bond issue

Existing law states that it is the policy of the state to encourage the conservation and maintenance of wildlife resources under the jurisdiction and influence of the state. The policy also includes specified objectives.

This bill would enact the Fish and Wildlife Habitat Enhancement Act of 1984, which, if adopted, would authorize the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$85,000,000. The funds generated from the bond sale would be available for appropriation to the Wildlife Conservation Board and the State Coastal Conservancy for specified purposes according to specified schedules. The bill would provide for submission of the bond act to the voters at the June 5, 1984, Direct Primary Election.

The bill would take effect immediately as an urgency statute.

Ch. 7 (AB 2182) Lancaster Water district elections

Under existing law, elections for directors of municipal water districts and for directors of water replenishment districts are held in each even-numbered year at the time of the direct primary election, except that if none of the candidates for an office of director receives a majority of the votes cast for the office, the 2 candidates who receive the highest number of votes are required to be candidates in a runoff election held at the same time as the next succeeding general election.

This bill would instead provide for the election of directors of municipal water districts and for directors of water replenishment districts to be held in each even-numbered year at the time of the general election, and would provide for the election of each candidate who receives the highest number of votes cast for the candidate for that office.

The bill would take effect immediately as an urgency statute.

Ch. 8 (AB 2172) McClintock Local government: port district and river port district contracts.

The Public Contract Code contains conflicting provisions governing contracts of port districts and river port districts.

This bill would eliminate the conflicting provisions and would provide with regard to both port districts and river port districts, that contracts for the doing of new construction work or the purchasing of supplies, the cost of which exceeds \$25,000, or projects involving maintenance of buildings and improvements, the cost of which exceeds \$10,000, shall be let by the board upon competitive bidding.

In addition, the bill would provide that the respective boards of the districts may delegate to their officers the execution of contracts in which the amount involved is less than \$25,000 rather than \$10,000.

Existing provisions of the Public Contract Code provide, with regard to contracts by river port districts, that in case of an emergency, as described, the board, by prescribed resolution passed by $\frac{2}{3}$ vote of all members, may declare that the public interest and necessity demand the immediate expenditure of district money and may expend such sums as may be necessary in the emergency.

This bill would add a similar provision regarding contracts by port districts by providing that in case of any great public calamity, including, but not limited to, an extraordinary fire, flood, storm, shoaling, epidemic, or other disaster, the board may, by resolution passed by a $\frac{2}{3}$ vote of all of its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property, and thereupon proceed to expend any sum or enter into a contract involv-

ing the expenditure of any sum needed in the emergency without observance of the provisions requiring contracts, bids, or notice

The bill would take effect immediately as an urgency statute

Ch. 9 (SB 406) Robbins. Courts. driving offenses. fees: driving schools: courthouse and criminal justice facility construction funds

(1) Under existing law, the Board of Supervisors of the County of Los Angeles is required to establish a Courthouse Temporary Construction Fund into which the county treasurer is required to deposit specified amounts of fines and forfeitures deposited with the treasurer before the division of those fines and forfeitures under other provisions of law, specified amounts from bail deposits for parking offenses not filed in court, and specified assessments on nonparking offenses. Moneys in the fund are required to be used only for courtroom construction, as specified

This bill would authorize the temporary transfer, on or after June 1 in any fiscal year and until June 1, 1986, of fund moneys to the county general fund for specified purposes if the fund moneys so transferred are returned to the Courthouse Temporary Construction Fund within 180 days

The bill would also change the priority for construction of courthouse facilities from that fund to give higher priority to construction in the Los Cerritos Municipal Court District, to establish a priority for commencement of construction of a civil courthouse in the community of Reseda, and to establish a priority for commencement of construction of a courthouse in the community of Hollywood.

(2) Under existing law, a county board of supervisors may establish a County Criminal Justice Facility Temporary Construction Fund into which the county treasurer is required to deposit specified amounts of fines and forfeitures deposited with the treasurer before the division of these fines and forfeitures under other provisions of law, specified amounts from bail deposits for parking offenses not filed in court, and specified assessments on nonparking offenses. Once undertaken by a county, these deposits are required to be made for 20 years. Moneys in the fund are required to be used only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities and for improvement of criminal justice automated information systems

This bill would authorize temporary transfers on or after June 1 in any fiscal year and until June 1, 1986, of fund moneys to the county general fund for specified purposes if the fund moneys so transferred are returned to the County Criminal Justice Facility Temporary Construction Fund within 180 days. The bill would also require the county to continue deposits in that fund after 20 years if and as necessary to make lease payments for the purposes for which the fund may be used.

(3) Under existing law, upon order of the court, the court clerk is required to collect a fee, not to exceed \$10, from persons ordered to attend a school for traffic violators or a licensed driving school, which fee is deposited with the county treasurer for disposition in a specified manner

In counties which have created specified courthouse and criminal justice facility construction funds, this bill would, additionally, require the court clerk to collect, upon order of the court, \$1 for each fund so established from every person ordered, in lieu of a fine, to attend a school for traffic violators, a licensed driving school, or a court-supervised program of driving instruction. The bill would require the fee to be deposited in specified courthouse and criminal justice facility temporary construction funds.

Ch. 10 (AB 1522) Connelly. American River Parkway Plan.

(1) Under existing law, the lower American River from Nimbus Dam to its junction with the Sacramento River is included in the California Wild and Scenic Rivers System.

This bill would adopt the American River Parkway Plan, as adopted by the City of Sacramento and the County of Sacramento pursuant to specified actions, so as to provide coordination with local agencies in the protection and management of specified resources of the American River Parkway. The bill would require actions of state and local agencies with regard to land use decisions to be consistent with the plan, subject to specified provisions, and thus would impose a state-mandated local program, and would make related legislative findings

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the

Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 11 (AB 84) W. Brown. San Francisco Harbor lands.

Under existing law (the Burton Act), the City and County of San Francisco has acquired from the state, subject to specified conditions and reservations, the control and management of the Harbor of San Francisco

This bill would require the Director of Transportation, in consultation with the Director of Finance, to negotiate with the San Francisco Port Commission for the transfer in trust to the city and county, subject to the conditions and reservations contained in that act, of a specified parcel of land under the jurisdiction or control of the state

Ch. 12 (AB 1342) N. Waters. Aircraft: ultralight vehicles.

Under existing law, the regulation of aviation is accomplished by the Department of Transportation pursuant to the State Aeronautics Act.

This bill would exempt ultralight vehicles, as defined in specified federal regulations, whether or not certificated by the Federal Aviation Administration, from the definition of aircraft for purposes of that act and ultralight vehicle flightparks from requirements of that act that no person or political subdivision may construct, expand, or enlarge any airport without a permit from the department and without compliance with certain notice and hearing requirements.

The bill would take effect immediately as an urgency statute.

Ch 13 (AB 1455) Elder. Recall elections

(1) Existing law provides for the recall of state and local elective officers

This bill would revise these provisions of law by making certain technical, clarifying, and procedural changes. In addition, it would require all recall petition sections to be printed in uniform size and darkness with uniform spacing.

(2) Existing law requires a city or district clerk to provide to the county clerk a copy of the recall answer and a copy of the notice of intention. If no answer is filed, existing law requires a specified statement, together with a copy of the notice of intention, to be provided by the clerk to the county clerk

This bill would delete the above requirements

(3) Existing law requires recall petition sections and the accompanying circulator's declaration to be designed so that the signer or circulator may affix certain data to the petition or declaration.

This bill would require a space to be left blank after each name on the petition for the use of the clerk in verifying signatures, and it would require the circulator's declaration to state the place of execution of the declaration

Ch. 14 (AB 1954) M. Waters. Elections: recount

Existing law provides that following completion of the official canvass, any voter may file with the clerk responsible for conducting an election a written request for a recount of the votes cast for candidates for any office, for slates of presidential electors, or for or against any measure

This bill would specify that if an election is conducted in more than one county, the request for the recount may be filed with the clerk of, and the recount conducted within, any or all of the affected counties.

The bill would require a written request of a recount involving a candidate, slate of electors, or measure voted on statewide to be filed with the Secretary of State who in turn would forward the request to the clerk of each county in which the recount is sought

The bill would also revise the law controlling the results of a defective recount

Ch. 15 (SB 617) McCorquodale. Community redevelopment

(1) Under existing law, the California Debt Advisory Commission has been directed to conduct a study of community redevelopment agencies and to report its findings to

the Legislature by July 1, 1984

This bill would extend the deadline until October 1, 1984.

(2) Under the existing Community Redevelopment Law, in lieu of appointing 5 members to a community redevelopment agency, the legislative body of a city or county may declare itself to be the agency

This bill would permit a member of the legislative body of the city or county who did not wish to serve on the agency to so notify the legislative body of the city or county in writing and require the legislative body of the city or county to appoint a replacement

(3) The bill would take effect immediately as an urgency statute

Ch. 16 (AB 390) Robinson State Bar of California

Existing law provides that of the 6 public members of the Board of Governors of the State Bar of California, 4 are to be appointed by the Governor, and one each by the Senate Committee on Rules and the Speaker of the Assembly, all of which are subject to the confirmation of the Senate

This bill would delete the requirement that the appointments by the Senate Committee on Rules and the Speaker of the Assembly be subject to the confirmation of the Senate.

Existing law authorizes the Board of Governors of the State Bar to aid in all matters pertaining to the advancement of the science of jurisprudence or to the improvement of the administration of justice. Existing law also requires a designated agency of the State Bar to evaluate the judicial qualifications of potential appointees or nominees for a judicial office to be filled by appointment by the Governor

This bill would prohibit the Board of Governors of the State Bar from conducting or participating in, or authorizing any committee, agency, employee, or commission of the State Bar from conducting or participating in, any evaluation, review, or report on the qualifications, integrity, diligence, or judicial ability of any specific justice of the Supreme Court or a court of appeal, except as specified

Ch. 17 (AB 899) Johnston Sales and use taxes. exemptions. waterborne vessels.

Existing provisions of the Bradley-Burns Uniform Local Sales and Use Tax Law authorize a county, city, and redevelopment agency to adopt a sales and use tax. Taxes imposed pursuant to that statutory authorization had to contain, until January 1, 1984, a provision exempting from the sales and use tax, 80% of the gross receipts from the sale or use of personal property to operators of certain waterborne vessels

This bill would reimpose beginning March 1, 1984, that requirement until January 1, 1986.

Existing provisions of the Transactions and Use Tax Law authorize a district, as defined, to adopt a transactions and use tax. Taxes imposed pursuant to that statutory authorization had to contain, until January 1, 1984, a provision exempting from the sales and use tax the gross receipts from the sale of, and the storage, use, or other consumption of, tangible personal property purchased by operators of certain waterborne vessels

This bill would reimpose beginning March 1, 1984, that requirement until January 1, 1986

It also would require the Legislative Analyst to submit to the Legislature, no later than February 1, 1985, a study evaluating the effect of this bill, as specified

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities, but not the transit districts, for revenue losses caused by the enactment of sales and use tax exemptions

This bill would provide that no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill for a specified reason.

The bill would take effect immediately as an urgency statute

Ch. 18 (AB 2164) Vasconcellos Claims against the state

Existing law requires that, within 180 days of a statute making a specific appropriation to pay the settlement of a claim against the state which arose from the activities of a state agency, the agency must report to the Attorney General any action taken to prevent the future occurrence of similar circumstances upon which the claim was based, including

any disciplinary action. It requires the Attorney General to provide a copy of the report to the Governor and to the Legislature.

This bill would limit the application of the above provisions to statutes making an appropriation to pay a claim in excess of \$50,000 against the state. It would include claims that arose from the activities of state employees, as well as state agencies, and would require the agency involved to report to the Governor and to the Legislature, as well as to the Attorney General, any preventive action taken. It would delete the requirement that the Attorney General provide a copy of the report to the Governor and to the Legislature.

This bill would appropriate \$4,418,485.27 from specified funds to the State Board of Control to pay the claims of the Secretary of the State Board of Control.

This bill would take effect immediately as an urgency statute.

Ch. 19 (AB 781) McAlister Family law: spousal support.

Existing law authorizes a court, in a judgment decreeing the dissolution of a marriage or legal separation, to order a party to pay for the support of the other party in an amount, and for a period of time, that the court deems just and reasonable. The court is required to consider certain specified factors with respect to the circumstances of the parties. Such an obligation is extinguished by the death of the spouse required to make the payment or the remarriage of the supported spouse.

This bill would authorize the court, in determining the needs of the supported spouse, to include an amount sufficient to maintain insurance for the benefit of the supported spouse on the life of the spouse required to make the payment of support, as specified.

Ch. 20 (AB 810) McAlister. Judgments: property actions.

Under existing law, the judgment in a quiet title action or in an action for partition does not affect the claim of a person who was not a party to the action and who had a claim of record in the property at the time the lis pendens was filed or, if none was filed, at the time the judgment was recorded, and does not affect the claim of a person having an unrecorded claim in the property who was not a party to the action if the claim was known to the plaintiff, as specified, or was apparent.

This bill would clarify existing law by providing that a claimant may also be bound by the judgment if the claim was acquired from a party after commencement of the proceeding and with actual knowledge of the proceeding.

This bill would make other technical changes.

Ch. 21 (AB 1798) W. Brown. Domicile

Existing law sets forth various statutory guidelines for purposes of determining a person's domicile for voting purposes.

This bill would provide that for purposes of determining the domicile of a Member of the Legislature or a Representative in the Congress of the United States, it shall be conclusively presumed that the residence address indicated on that person's currently filed affidavit of registration is that person's domicile.

Ch. 22 (AB 2008) Katz. Drugs: methaqualone.

Existing law places methaqualone and its salts within Schedule I of the California Uniform Controlled Substances Act. However, for the purposes of prescription, methaqualone and its salts are not deemed to be Schedule I controlled substances.

This bill would make a conforming change by providing that methaqualone and its salts shall be deemed to be Schedule I controlled substances for the purposes of prescription.

This bill would take effect immediately as an urgency statute.

Ch. 23 (AB 1619) Clute. Pupils: suspensions and expulsions.

(1) Existing law specifies the grounds for which a pupil may be suspended from school or recommended for expulsion, including, among other causes, a finding that a pupil has stolen or attempted to steal school property or private property.

This bill would authorize the suspension or recommendation for expulsion of a pupil for having knowingly received stolen school property or private property.

(2) Existing law specifies that upon recommendation by the principal, superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to

specified provisions of existing law, the governing board may order a pupil expelled upon finding that the pupil violated prescribed provisions of existing law specifying the causes for which a pupil may be suspended or expelled

This bill would authorize a governing board to order a pupil expelled upon a finding that the pupil knowingly received stolen school property or private property

Ch. 24 (AB 2165) Vasconcellos. Claims against the state.

This bill would appropriate \$1,283,404 36 from specified funds to the State Board of Control to pay the claims of the Secretary of the State Board of Control.

This bill would also revise various appropriations contained in Chapter 1183 of the Statutes of 1983 to the State Board of Control to pay the claims of the Secretary of the State Board of Control.

This bill would take effect immediately as an urgency statute

Ch. 25 (SB 37) Lockyer State highways: exclusive or preferential highway lanes.

Existing law authorizes the Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, to authorize or permit exclusive or preferential use of highway lanes for high-occupancy vehicles. Prior to establishing the lanes, competent engineering estimates are required to be made of the effect of the lanes on safety, congestion, and highway capacity. The department, when authorizing or permitting exclusive or preferential use of highway lanes for high-occupancy vehicles on any highway located within the territory of a regional transportation planning agency or a local transportation commission, is required until July 1, 1984, to obtain the approval of the regional transportation planning agency or the local transportation commission prior to establishing the exclusive or preferential use of the highway lanes.

This bill would delete the July 1, 1984, repeal date for the provisions requiring local approval of exclusive or preferential use highway lanes authorized or permitted by the department, and would instead require approval by a transportation planning agency or a county transportation commission.

The bill would require the department to obtain the approval of the Los Angeles County Transportation Commission by a $\frac{2}{3}$ vote prior to authorizing or permitting additional exclusive or preferential use of highway lanes on portions of State Highway Route 101 in the City of Los Angeles.

The bill would also prohibit the department, pursuant to a specified federal law, from restricting or requiring the restriction of any lane on any federal-aid highway in the unincorporated areas of Alameda County to high-occupancy vehicles, except for approaches to controlled access highways, toll roads, or bridges.

Ch. 26 (SB 351) Robbins Swimming pool heaters: intermittent ignition devices.

Existing law prohibits the sale of any new residential-type gas appliance equipped with a pilot light after 24 months after an intermittent ignition device has been certified by the State Energy Resources Conservation and Development Commission for that appliance. For purposes of these provisions, gas appliances include various residential-type devices, except water heaters, which use gaseous fuel for operation and are automatically ignited.

This bill would permit the sale, prior to December 1, 1984, of any swimming pool heater with a pilot light, which was manufactured prior to February 24, 1984, and in stock or on order as of that date. The bill would prohibit the sale or offering for sale, on and after December 1, 1984, any swimming pool heater, unless it is equipped with an intermittent ignition device or is designed to burn liquefied petroleum gases.

The bill would take effect immediately as an urgency statute.

Ch. 27 (AB 669) Frazee. Exhibits and depositions: destruction.

Under existing law, a court, on its own motion, may order the destruction or other disposal of any exhibit or deposition introduced in or filed with the court 30 days after notice of the proposed action is given to a party or attorney, as specified, except that no exhibit or deposition may be destroyed or disposed of if a party files a written notice requesting preservation for a stated time not in excess of 3 years.

This bill, instead, would increase the period between such notice and the proposed action to 60 days and would require the clerk to retain any exhibit or deposition intro-

duced or filed in a civil action until final determination or dismissal and thereafter the court on its own motion may order destruction or other disposition of the exhibit or deposition unless a party to the action files a specified notice.

Ch. 28 (AB 2089) Stirling. Education: waiver approval requirements.

(1) Under current law, the governing board of a school district or a county office of education may, after a public hearing on the matter, request the State Board of Education to waive all or part of any provision of the Education Code, with certain specified exceptions.

This bill would require any waiver request submitted by the governing board of a school district or a county board of education to include a written statement as to (1) whether the exclusive representative of employees, if any, participated in the development of the waiver and (2) the exclusive representative's position regarding the waiver.

(2) This bill would take effect immediately as an urgency statute.

Ch. 29 (AB 1835) Harris. Civil procedure.

Under existing law, in a judgment of dissolution of marriage or of legal separation, the court may divide the community property, and, if the value of community and quasi-community property is less than \$5,000, and one party cannot be located, the court may award all that property to the other party on such conditions as it deems proper in its final judgment decreeing dissolution.

This bill would provide that the court may make that award on such conditions as it deems proper in its judgment decreeing dissolution.

Existing law provides that an appeal may be taken from a superior court judgment except, among other judgments, from an interlocutory judgment other than as provided in specified provisions. Among those specified provisions is a reference to orders or decrees made appealable by the Probate Code.

This bill would delete the reference to that provision.

Existing law, operative July 1, 1984, requires the payment of a \$2 fee at the time of filing a petition for dissolution of marriage, separation, or nullity. Until that time, the \$2 fee is paid at the time of entry of final judgment.

This bill would provide that the \$2 fee collectible prior to July 1, 1984, shall be collectible for actions filed prior to July 1, 1984, at the time of the filing of a request for a final decree.

Ch. 30 (AB 1836) Harris. Evidence.

Under existing law, interpreters and translators are required to take certain oaths in order to serve in an action.

This bill would provide that an interpreter or translator regularly employed by the court and certified in a specified manner may file such an oath with the clerk of the court, which shall serve for all subsequent court proceedings until the court appointment is revoked by the court. It also would require the record to identify the interpreter or translator.

This bill would take effect immediately as an urgency statute.

Ch. 31 (SB 349) Deddeh. Insurance.

Existing law provides, with respect to cancellation or failure to renew a contract of insurance, that the term "renewal" or "to renew" means, among other things, to continue coverage for an additional policy period upon expiration of the current policy period of a policy.

This bill would instead define "renewal" or "to renew" as meaning to continue coverage with either the insurer which issued the policy or an affiliated insurer for an additional policy period upon expiration of the current policy period of a policy, provided that if coverage is continued with an affiliated insurer, it shall be the same or broader coverage as provided by the present insurer. It would also provide for notification to the insured at least 20 days prior to expiration of the current policy period, as specified.

Existing law, with respect to automobile insurance, provides that no admitted insurer licensed to issue and issuing policies of motor vehicle liability insurance shall fail or refuse to accept an application for that insurance or refuse to issue that insurance for an applicant therefor, or cancel the insurance solely for the reason that the applicant

for the insurance or any insured is employed in a specific occupation. The term "occupation" specifically excludes active duty service in the armed forces of the United States or self-employment in a business operated out of an applicant's or insured's place of residence or persons engaged in the renting, leasing, selling, repossessing, rebuilding, wrecking or salvaging of motor vehicles.

This bill would additionally provide that the term "occupation" does not include any status or activity which does not result in remuneration for work done or services performed.

Ch. 32 (AB 94) Konnyu Conduct of elections.

(1) Existing law requires a school district or community college district governing board, within a specified time, to order an election or make a provisional appointment to fill a vacancy in the governing board of the district. If an election is ordered, the election must be held not less than 98 days after the occurrence of the vacancy or after the written resignation is filed.

This bill would revise the date of the conduct of the election to require the election to be held not less than 130 days, rather than not less than 98 days, after the occurrence of the vacancy or after the written resignation is filed, and it would require, under certain circumstances, a special election to be consolidated with a regular election where the vacancy or resignation occurred during the period between 6 months, rather than 4 months, and 130 days, rather than 98 days, prior to a regular school or community college district election.

(2) Existing law specifies the date that a sample ballot must be prepared and mailed in conjunction with an election.

This bill would create a state-mandated local program by requiring the mailing of sample ballots to be made between the 40th and 10th day before an election and to require the preparation of sample primary election ballots to be completed at least 29 days, rather than 25 days, before the day of the primary election.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 33 (AB 837) Cortese. Postsecondary education.

Existing law provides that, until January 1, 1985, the maximum interest that can be paid on revenue bonds issued by community college districts, certain revenue bond anticipation notes, bonds, and notes issued by the Trustees of the California State University, and certain bonds issued by the Regents of the University of California, is 12% per annum. Existing law reduces that maximum rate, operative January 1, 1985, to 10% per annum.

This bill would provide that the maximum interest rate of 12% per annum may be paid on those notes and bonds until January 1, 1990, at which time the maximum rate would be reduced to 10% per annum.

Ch. 34 (AB 1828) Lancaster. Vehicles. driver's licenses

Existing law permits the Department of Motor Vehicles to accept an application for a higher class driver's license at any time from the holder of another class of driver's license.

This bill would change the reference to "higher class" license to "different class" license. The bill would also make a related conforming change.

The bill would become operative July 1, 1985.

Ch 35 (AB 1367) M Waters. Criminal law: searches.

Under existing law, an arrested person may make at least 2 completed telephone calls, to an attorney, bail bondsman, relative or other person, as specified.

This bill would provide the right generally to make at least 3 rather than 2 completed telephone calls and would give the right, among other things, to make 3 telephone calls

to obtain bail when taken into custody on traffic or parking warrants.

Existing statutory law does not expressly regulate the manner of conducting searches of the person.

This bill would, except as specified, prohibit body cavity and strip searches, as defined, and would regulate such searches where permitted

The bill would authorize misdemeanor punishment and would impose new duties on local officials, thereby imposing a state-mandated local program. The bill would also authorize civil damages for a violation of these provisions.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for specified reasons.

The bill would take effect immediately as an urgency statute and would become operative March 31, 1984.

Ch 36 (AB 1620) Clute State High School Attendance Awards

This bill would express the intent of the Legislature to recognize efforts made to improve student attendance in high schools through a state high school attendance awards program, if feasible.

The bill would require the Superintendent of Public Instruction to report to the Legislature by February 1, 1985, regarding the feasibility of establishing a state high school attendance awards program to be operated by the State Department of Education, which would, among other things, honor the high school in each participating district which attains the largest increase in attendance from one year to the next.

Ch 37 (AB 2122) Hauser Parks and recreation: Sinkyone Wilderness and trail corridor

(1) Existing law authorizes the exchange of portions of Reynolds Wayside Campground and Sinkyone Wilderness State Park, units of the state park system, for specified private real property in the vicinity of Sinkyone Wilderness State Park.

This bill would delete specified state-owned property from the authorized exchange, would specify that the exchange is void if a lease of specified property to the state is not entered into, and would require, if that lease is acquired by the state, that the ~~department~~ [Department of Parks and Recreation]* and the State Park and Recreation Commission plan, and the department operate and manage, the property in conjunction with Sinkyone Wilderness State Park. The bill would also specify terms required to be in any agreement whereby the state obtains a lease in the specified property.

(2) Existing law requires the department to protect the state park system from damage and preserve the peace therein and makes every person who violates the rules and regulations established by the department guilty of a misdemeanor.

This bill would make those provisions applicable with respect to property in the California recreational trail system and the leased property in the above-described exchange.

(3) Under the Budget Act of 1981, \$3,200,000 is appropriated from the Parklands Fund of 1980 to complete the above-described exchange, subject to a proviso.

This bill would revise the proviso and would reappropriate those moneys until June 30, 1986, for various acquisitions relating to the Sinkyone Wilderness.

(4) The Budget Act of 1983 appropriates \$157,000 from the State Parks and Recreation Fund for capital outlay at Pismo State Beach and \$112,000 from the Parklands Fund of 1980 for capital outlay at Sinkyone Wilderness State Park.

This bill would revert \$112,000 of the appropriation from the State Parks and Recreation Fund for the Pismo Beach project and appropriate an equal amount for the Sinkyone project and would revert the appropriation from the Parklands Fund of 1980 for the Sinkyone Wilderness project and appropriate an equal amount for the Pismo Beach project.

(5) The bill would require the department to hire or contract with residents of Del Norte, Humboldt, Mendocino, and Sonoma Counties to perform work on any park

development project in those counties beyond that which can be performed by employees of the department to the extent that it does not increase costs or conflict with any provision of law.

(6) The bill would take effect immediately as an urgency statute.

Ch. 38 (AB 1428) W. Brown. Taxation.

Under the existing Personal Income Tax Law and the Bank and Corporation Tax Law, a taxpayer engaged in farming is required to recognize income when first entitled to receive commodities under a payment-in-kind (PIK) program. For the 1983 crop year only, the federal law provides that a qualified taxpayer will not be treated as having realized income when he or she receives, or has the right to receive, a commodity under a 1983 PIK program. Thus, these taxpayers can defer the recognition of income that would otherwise be recognized until the year the commodities are sold, exchanged, or otherwise disposed of.

This bill would make changes in the Personal Income Tax Law and Bank and Corporation Tax Law, effective for taxable and income years beginning on or after January 1, 1983, which would authorize a taxpayer to elect tax treatment which would conform to the federal law.

The bill would take effect immediately as a tax levy.

Ch. 39 (AB 705) Klehs. Insurance tax: credits.

Existing law requires every insurer doing business in the state to pay an insurance tax, as specified. Certain insurers are required to make prepayments of the annual tax, as specified, and provision is made for the credit or refund of overpayments.

This bill would authorize any insurer who has made an overpayment to elect to have the excess credited against the first prepayment of the following year, with the amount of the overpayment not so credited being credited or refunded as under existing law.

This bill would take effect immediately as an urgency statute.

Ch. 40 (AB 1309) Areias. Vehicle combinations: length.

Existing law, with certain exceptions, limits vehicle combinations operated upon a highway to a maximum length of 65 feet. Combinations of a truck trailer, auxiliary dolly, and semitrailer and certain combinations of a motortruck and semitrailer are restricted to a maximum length of 60 feet.

This bill would delete that 60-foot limitation, making these vehicle combinations subject to the general 65-foot limitation. The bill would make related changes.

The changes proposed by this bill would not be operative unless SB 1389 is enacted.

Ch. 41 (AB 1426) Connelly. Employment training.

Existing law requires employers to pay into the Employment Training Fund and the Unemployment Trust Fund contributions based on employee wages to be used for employment training and unemployment insurance benefits, as specified.

This bill would require employers to reimburse the Unemployment Trust Fund for the cost of unemployment insurance benefits that are deducted from back pay awards based upon certain wrongful discharge findings.

Under a demonstration project authorized by existing law, an unemployed individual who has been laid off from work as a result of a plant closure or a substantial reduction in employment at the individual's most recent workplace at the time the individual filed a claim for unemployment insurance benefits, and who is receiving those benefits, is eligible for additional weeks of unemployment compensation benefits if the individual applies by December 31, 1983.

This bill would impose a state-mandated local program by extending the deadline for applying for these additional weeks of unemployment compensation benefits to December 31, 1985.

Under the above demonstration project, an individual whose benefit year has expired, who is not entitled to establish a benefit year, or who has exhausted unemployment insurance benefits, is eligible for additional weeks of unemployment compensation benefits if the individual applies by December 31, 1982.

This bill would impose a state-mandated local program by extending the deadline for applying for these additional weeks of unemployment compensation benefits to Decem-

ber 31, 1984.

Existing law provides that the above demonstration project shall remain in effect only until a total of \$20,000,000 is expended from the Unemployment Fund pursuant to the project or until July 1, 1984, whichever occurs first.

This bill would instead impose a state-mandated local program by providing that the demonstration project remain in effect until a total of \$20,000,000 is expended from the Unemployment Fund pursuant to the project or until January 1, 1987, whichever occurs first.

Existing law provides for the Employment Training Panel in the Employment Development Department. The panel may meet as necessary at locations throughout the state and is authorized to allocate money from the Employment Training Fund, which is appropriated annually in the Budget Act.

This bill would require the panel to maintain a central office in Sacramento and 2 regional offices, one of which would be located in the southern part of the state.

This bill would also repeal provisions making encumbrances on the Employment Training Fund in the 1982-83 fiscal year and provide that funds in the Employment Training Fund would be appropriated for administration costs of both the additional contributions to the Employment Training Fund, as specified, and the regular costs of administration of the fund, as determined by the Legislature.

Existing law requires the Department of Economic and Business Development to provide necessary technical expertise to the panel concerning contracting with employers and training of employees.

This bill would also require the State Job Training Coordinating Council, after review and comment by the Director of Employment Development, to report to specified legislative committees within one year of the enactment of this bill with recommendations on improving the coordination efforts of state agencies by removing statutory or administrative barriers.

This bill would require the panel and the Department of Economic and Business Development to agree, within 60 days of the enactment of this bill, on a statement of coordination and purpose relating to the mutual assistance required by statute.

Existing law requires the Employment Development Department to report to the Legislature on or before July 1, 1985, and again on or before July 1, 1986, on the cost and effect of changes in law made by Chapter 1075 of the Statutes of 1982, relating to unemployment insurance.

This bill would require the department to make an additional report on or before August 1, 1984.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

The bill would take effect immediately as an urgency statute.

Ch. 42 (AB 1837) Harris. Public contracts.

Existing law provides for a Public Contract Code.

This bill would add to the Public Contract Code legislative declarations and findings concerning the purpose of the code and preliminary matters.

This bill would provide that contract provisions in construction contracts of public agencies, and subcontracts thereunder, which limit the contractee's liability to an extension of time for delay for which the contractee is responsible and which delay is unreasonable under the circumstances involved, and not within the contemplation of the parties, shall not be construed to preclude the recovery of damages by the contractor or subcontractor.

Ch. 43 (AB 2110) Alatorre Peace officers.

Existing law requires that [all] ~~specified~~* peace officers ~~including sheriffs, under-sheriffs, deputy sheriffs and policemen satisfactorily complete~~ [receive]* a course in [of]* training prescribed by the Commission of [on]* Peace Officer Standards and Training.

~~This bill would instead provide that specified local law enforcement officers may satisfactorily complete that course of training.*~~

Existing [also]* law requires any sheriff, undersheriff, deputy sheriff, policeman of a city, or policeman of a district authorized to maintain a police department who is first employed after January 1, 1975, for the purposes of prevention and detection of crime and general law enforcement to successfully complete a course of training approved by the commission [, which shall include the training generally required for all peace officers.] ~~before exercising the powers of a peace officer-~~ [As to these particular officers, the commission is required to develop a training proficiency testing program, including a standardized examination.]* Successful completion of the course does not require completion of the examination ~~Those peace officers first employed after January 1, 1974, are required to obtain the basic certificate issued by the commission within 18 months of employment to continue to exercise the powers of a peace officer-~~ The commission is required to develop a training proficiency testing program including a standardized examination.*

This bill would ~~require~~ [, as to the course required for those particular officers, provide that the course be prescribed rather than approved by the commission, and would require]* the commission to report to the Legislature prior to July 1, 1987, on academy testing* proficiency [test]* scores [The bill would delete the requirement that the training required of all peace officers would be part of the training required of these particular peace officers and would provide that satisfactory completion of the training required of all peace officers may, in the case of specified peace officers, be part of other specified prescribed training.]*

Existing law requires the commission to establish a certification program for specified peace officers.

This bill would provide that specified acts involving misuse of a certificate are misdemeanors

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by creating misdemeanor offenses for the use of peace officer ~~training~~* certificates.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 44 (AB 514) M. Waters. Economic development

Existing law authorizes the state to award preference points to a bidder on state contracts for goods in excess of \$100,000 who certifies under penalty of perjury that no less than 50% of the required labor shall be accomplished at a worksite located within a distressed area, as defined. It authorizes the awarding of additional preference points if the bidder agrees to hire persons with high risk of unemployment during the period of contract performance.

This bill, additionally, would authorize the granting of preference points if the worksite is within commuting distance of a distressed area.

Existing law provides various incentives for investment in specified types of property.

This bill would enact the Employment and Economic Incentive Act which would generally provide for a program for economic development and employment incentive development in designated areas of the state upon application by cities and counties. The program would provide tax incentives, special assistance, start-up capital, and other incentives for private investments and employment.

This bill would provide for specific deductions and credits with respect to personal income and corporate franchise and income taxes for businesses located in neighbor-

hood economic development or targeted economic development areas designated by the Department of Business and Economic Development. It would authorize participation by businesses located within an enterprise zone which is designated by other provisions of state law.

This bill would authorize the state to award preference points, under provisions similar to existing law, to a bidder on a state contract for goods in excess of \$100,000 who certifies under penalty of perjury that no less than 50% of the required labor shall be accomplished at a worksite located in a high density unemployment area, rather than a distressed area. It would authorize the awarding of additional preference points if the bidder agrees to hire persons living within a high density unemployment area, rather than persons with high risk of unemployment, during the period of contract performance.

Existing law requires a state or local agency to send a written offer to sell or lease surplus land, prior to disposing of that property, to local agencies, as specified.

This bill would require that a written offer to sell or lease surplus property in a program area be sent to the agent in that area.

This bill would appropriate \$85,000 from the General Fund to the Department of Economic and Business Development for the purposes of this bill. It would provide that these funds shall remain available for expenditure until a specified date, and then shall revert to the General Fund.

This bill shall become operative only if AB 40 of the 1983-84 Regular Session is chaptered and takes effect.

This bill would incorporate additional changes in Section 54222 of the Government Code, proposed by AB 40, to be operative only if AB 40 and this bill are both chaptered and become effective on or before January 1, 1985, and this bill is chaptered last. These changes would become operative on the operative date of AB 40.

This bill would take effect immediately as an urgency statute.

Ch 45 (AB 40) Nolan Economic development: depressed areas.

Existing law requires a state or local agency to send a written offer to sell or lease surplus land, prior to disposing of that property, to local agencies, as specified.

This bill would require that a written offer to sell or lease surplus property in an enterprise zone be sent to the nonprofit corporation in that zone.

Existing law provides various incentives for investments in specified types of property such as open-space land or historical structures.

This bill would authorize units of local government to propose the designation of areas within their respective jurisdictions as enterprise zones based upon specified findings that those areas are depressed areas and in need of private sector investment. It would require those local governments to then apply to the Department of Business and Economic Development for actual designation, and, in that connection, would require the department, in accordance with specified evaluation criteria, to designate no more than 10 proposed areas as enterprise zones from among the applications submitted. It would permit the department to designate no more than 2 of the 10 zones as high technology zones, as defined. This bill would permit the establishment of nonprofit neighborhood enterprise association corporations, in accordance with prescribed criteria, to provide technical and financial assistance to private sector investors within the enterprise zones. It would require the lease to those corporations of specified state and local government land and would permit those corporations to sublease or assign their leasehold interest to private entities conducting or intending to conduct business operations within the zones.

This bill would specify the time periods within which the department is required to develop the necessary regulations, selection criteria, and applications for zone designations and is required to complete the designation of zones.

Existing provisions of the Personal Income Tax Law and the Bank and Corporation Tax Law establish various exemptions, credits, and deductions from the taxes imposed by those laws.

This bill would provide for various new exemptions, credits, and deductions under the Personal Income Tax Law and the Bank and Corporation Tax Law for certain taxpayers who make investments in, who develop or operate, or who are employed by, a development, project, or trade or business located within an enterprise zone. This bill would

provide for the operative effect of those exemptions, credits, and deductions.

This bill would appropriate \$20,000 from the General Fund to the Department of Economic and Business Development for expenditure until July 1, 1985, for the purposes of the bill.

The bill would require the Auditor General to report to the Legislature on the effects of the bill for the first 2 years of its operation, on or before June 30, 1986.

The bill would become operative only if AB 514 of the 1983-84 Regular Session is chaptered and takes effect, but would provide that an enterprise zone may be designated under either AB 514 or this bill, but not both.

This bill would provide that specific provisions relating to tax credits for a net operating loss deduction, as defined, shall become operative only if AB 32 of the 1983-84 Regular Session is chaptered and takes effect.

This bill would take effect immediately as an urgency statute

Ch. 46 (AB 247) Klehs Alameda County Office of Education emergency apportionment.

(1) Existing law specifies that the governing board of any school district which determines during a fiscal year that its revenues are less than the amount necessary to meet its current year expenditure obligations, may request an emergency apportionment through the Superintendent of Public Instruction, subject to specified statutory requirements and repayment provisions.

This bill would appropriate the sum of \$5,500,000 from the General Fund to Section A of the State School Fund for allocation to the Alameda County Office of Education in the 1983-84 fiscal year, and would specify that a portion of this appropriation is an advance on the amount that the Alameda County Office of Education will receive for special education transportation in the 1984-85 fiscal year, and the remainder of this appropriation shall be deemed an emergency apportionment made pursuant to specified provisions of existing law, as if the Alameda County Office of Education were a school district. This bill would require the Alameda County Office of Education to submit various reports to the Superintendent of Public Instruction, in lieu of those otherwise required by statute. This bill would require the Superintendent of Public Instruction to appoint a trustee to monitor the administration of the apportionment for the Alameda County Office of Education, as specified. This bill would require the Superintendent of Public Instruction to reduce apportionments to the Alameda County Office of Education in the 1984-85, 1985-86, 1986-87, 1987-88, and 1988-89 fiscal years, as specified, in order to repay the special education transportation advance and the emergency apportionment.

(2) This bill would appropriate \$5,300,000 from the General Fund to Section A of the State School Fund for allocation to local educational agencies in Alameda County in the 1984-85 fiscal year for startup costs of providing transportation to individuals with exceptional needs. This bill would require the Superintendent of Public Instruction to reduce the 1985-86, 1986-87, 1987-88, 1988-89, and 1989-90 fiscal year apportionments to the agencies accepting those funds.

(3) This bill would take effect immediately as an urgency statute.

Ch. 47 (AB 1995) Tanner. Department of Consumer Affairs.

Existing law provides for an executive secretary or secretary for the Psychology Examining Committee, Board of Landscape Architects, State Board of Registration for Professional Engineers, Board of Cosmetology, Certified Shorthand Reporters Board, Board of Behavioral Science Examiners, and State Board of Fabric Care.

This bill would change the title of the executive secretary or secretary for those boards to executive officer.

Existing law requires the Board of Dental Examiners, Board of Optometry, Board of Architectural Examiners, Board of Guide Dogs for the Blind, and Board of Funeral Directors and Embalmers to each elect a secretary of the board from the board's membership.

This bill would authorize those boards to appoint an executive officer, as described, as well.

Existing law requires the Board of Barber Examiners to elect a secretary, the Board of Pharmacy to elect an executive secretary, and the Board of Accountancy to elect a

secretary-treasurer, of the board who may, or may not, be a member of the board.

This bill would authorize those boards to appoint an executive officer, as described, as well.

The bill would also authorize the Physical Therapy Examining Committee, Board of Examiners in Veterinary Medicine, and State Board of Registration for Geologists and Geophysicists, and boards under the Department of Consumer Affairs in general, to appoint an executive officer, as described.

This bill would, in general, transfer the duties of a secretary, executive secretary, or treasurer-secretary of a board or committee to the executive officer by substituting the latter title for the former.

The bill would make legislative findings and declarations regarding the intent of the bill; would declare that supplies containing the title "executive secretary" may continue to be used until the inventory is depleted, and would provide that, notwithstanding any other provision of law to the contrary, any reference in law or regulation to a secretary, executive secretary, or secretary-treasurer of a board or committee subject to this act shall be deemed to refer to the executive officer of the board or committee, created by this act.

The bill would also incorporate amendments to Section 7412 of the Business and Professions Code proposed by AB 423, as specified

The bill would take effect immediately as an urgency statute.

Ch 48 (AB 2132) Costa. Fish and game: salmon.

(1) Under existing law, no clams taken in Fish and Game District 7, 8, or 9 may be transported to any place outside the boundaries of Districts 1½ and 2½

This bill would repeal that prohibition.

(2) Under existing law, ~~the periods when king and silver*~~ salmon may [not]* be taken [for commercial purposes except]* under the authority of a commercial fishing license ~~are prescribed~~ [in specified districts during a specified period (with a different period for silver salmon)]*, and the ~~minimum length~~ [lengths]* of those [king and silver]* salmon are prescribed.

This bill would recast those provisions [, would authorize the Director of Fish and Game, as specified, to modify conditions under which salmon may taken for commercial purposes,]* and ; ~~additionally,~~ [would]* require the measurement of length to be made without resorting to any force other than swinging or fanning the tail.

(3) ~~Under existing law, salmon other than king and silver salmon may be taken commercially between April 15 and September 30 in specified districts.~~

~~This bill would repeal that provision.~~

~~(4)*~~ Under existing law, vessels ~~26 feet or more in length*~~ landing silver salmon in specified districts are required to have a valid hold inspection certificate issued by the department, as specified [, if the vessel is capable of brining or freezing fish or, when landing prior to May 25, if the vessel is 26 feet or more in length]*.

This bill would repeal those provisions.

~~(5) Existing law prohibits~~ [(4) Under existing law, the]* sale of salmon ~~lawfully*~~ taken in District 8 or 9 [,]* and ~~prohibits~~ [the]* sale, possession, or transportation of salmon ~~taken in other specified districts*~~ through Districts 8 and 9 between January 1 and April 14 [, are prohibited]*.

This bill would repeal those prohibitions.

~~(6) Existing law expressly prohibits taking of salmon for commercial purposes except in areas and at times authorized in the Fish and Game Code.~~

~~This bill would repeal that prohibition.~~

~~(7) Until~~ [(5) Under existing law, the Fish and Game Commission is authorized, until]* January 1, 1985, [to revoke or suspend]* a certificate of boat registration or a commercial fishing license of a master of a vessel ~~may be revoked or suspended by the Fish and Game Commission*~~ for specified violations.

This bill would extend that authority to January 1, 1988

~~(8) [(6)]*~~ Under existing law, the Department of Fish and Game is required to maintain a ~~specified*~~ cost accounting system [to accumulate cost]* by regions and districts [for each activity or program in which it is engaged]*.

This bill would delete the ~~restriction to~~ [requirement that cost be accumulated by]* regions and districts.

~~(9) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.~~

~~However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.*~~

Ch 49 (AB 2725) M. Waters. School districts Civic Center Act.

(1) Under current provisions of the so-called "Civic Center Act," the governing board of a school district is permitted to charge designated types of community organizations for the direct costs of using school facilities, or for the fair rental value of the facilities, as specified

This bill would impose a state-mandated local program by requiring the governing board of a school district to provide the use of the school facilities to certain designated organizations free of charge, when an alternative location is not available. It would, however, make this requirement inapplicable to any group which uses school facilities or grounds for fundraising activities which are not beneficial to youth or public school activities of the district, as determined by the governing board.

The bill would also authorize, if any group activity results in the destruction of school property, the charging of the group for an amount necessary to repay the damages, and would permit further use of the facilities to be denied.

The bill would also remove the authorization to charge organizations for the fair rental value of the facilities, except as specified

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(4) The bill would take effect immediately as an urgency statute.

Ch. 50 (SB 1288) Foran Bridge and highway districts' transit equipment' equipment trust certificates: traffic and parking control

(1) Under the Bridge and Highway District Act, a bridge and highway district may take by grant, purchase, gift, devise, or lease, and lease and dispose of, real and personal property necessary to the full exercise of its powers

This bill would revise this power to authorize such a district to otherwise acquire real and personal property and to lease, mortgage, sell, or otherwise dispose of it.

(2) The bill ~~also authorizes~~ [would also authorize]* Golden Gate Bridge, Highway and Transportation District to purchase transit equipment and to execute agreements, leases, and equipment trust certificates, as specified, for such purchases.

(3) Existing law authorizes bridge and highway districts to adopt traffic and parking regulations governing the use of district facilities. The California Highway Patrol is required to enforce these regulations.

This bill would impose a state-mandated local program by creating an infraction prohibiting any person from driving any vehicle or animal, or stopping, parking, or leaving any vehicle or animal, on the grounds of a bridge and highway district without the permission of the district

The bill would authorize employees of these districts to issue notices of parking violation. The bill would impose a state-mandated local program by requiring county treasurers to remit to a bridge and highway district 85% of fines and forfeitures collected as a result of arrests or notices given by employees of such a district, with the remaining

15% to be retained by the county. This sharing formula could, however, be revised by agreement between a county and such a district.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for specified reasons.

(5) The bill would take effect immediately as an urgency statute.

Ch. 51 (AB 1111) Papan. Missing person reports.

Existing law provides procedures for the release of dental records and submission of missing person reports to the Department of Justice within a specified time

This bill would provide for the immediate release of dental records and for the submission of reports, as specified, with respect to missing persons who are under 18 years of age who are determined by the law enforcement authority to have disappeared under suspicious circumstances.

As to the reports generally, the bill would require the department to catalog them, as specified.

Ch. 52 (AB 437) Johnston. Air pollution: documented vessels: opacity standards.

(1) Existing law prohibits the State Air Resources Board from adopting emission requirements for marine vessels prior to March 31, 1983. The state board is required to submit a report to the Legislature by March 31, 1983, on air pollution regulation of marine vessels.

This bill would provide that documented vessels would not be subject to sulfur dioxide emission requirements. The bill would provide that nothing in the nonvehicular air pollution control law shall be construed to prohibit adoption or enforcement of any rule or regulation governing sulfur dioxide emission requirements of marine tank vessels trading the majority of the time in intrastate commerce within California or in interstate commerce between California and other states, or both, or to prohibit enforcement of any rule or regulation of an air pollution control district or an air quality management district governing those requirements of marine vessels which had been adopted prior to July 1, 1979. These provisions of the bill would be repealed on January 1, 1990.

(2) Existing law prohibits, with exceptions, the discharge into the atmosphere of air contaminants exceeding a specified shade or opacity. Among the exceptions until January 1, 1984, are emissions from vessels using steam boilers during cold boiler light-off operations and while drying wet or green refractory if the emissions do not exceed a specified shade or opacity.

This bill would add an exception for emissions from vessels during breakdown conditions as long as the discharge is reported in accordance with air pollution control district or air quality management district requirements.

(3) The bill would take effect immediately as an urgency statute.

Ch. 53 (AB 1511) Elder. State Teachers' Retirement System disability.

A provision of the existing State Teachers' Retirement Law (STRL), which was added in 1982, established a new formula for calculating the personal disability allowance of a member who qualifies for a disability allowance while between the ages of 45 and 60 years.

This bill would add to certain other provisions which refer to the original basic formula, references to the new formula.

A provision of the existing STRL requires that if the estate is the beneficiary and the estate would otherwise not have to be probated, the payment of all of the amount due from the system shall be made directly, without probate, to the survivors, in the manner that separate property would be distributed pursuant to specified provisions of the Probate Code. The Probate Code provisions would, operative on January 1, 1985, be repealed and reenacted, as revised.

This bill would specify that the direct payment without probate to survivors shall be distributed in the manner that separate property would be distributed pursuant to

specified new provisions of the Probate Code relating to intestate succession.

Existing provisions of the STRL: (a) provide, when the disabliant's average earnings for the preceding 6-month period exceed $\frac{1}{2}$ of the indexed final compensation, for termination of a disability allowance, and for allowances paid thereafter to be considered overpayments, and for recovery thereof; (b) provide, when certain disabliants are enrolled in an approved rehabilitation program and their monthly disability allowance, exclusive of amounts paid for minor children and full-time students, and monthly earnings exceed 100% of their indexed final compensation, for 50% of the amount in excess to be considered overpaid, and for recovery thereof; (c) provide, when certain other disabliant's monthly disability allowance, exclusive of amounts paid for minor children and full-time students, and monthly earnings exceed 100% of the indexed final compensation, for that disability allowance to be considered overpaid and for recovery thereof, however, the system administratively interprets this provision to apply only to the excess, rather than to the full amount of that disability allowance

This bill would amend item (c) above to conform it to the administrative interpretation given thereto by the system

Ch 54 (AB 2179) Moorhead. Drunk driving laws: alcohol consumption

Existing law prohibits driving a motor vehicle with a blood alcohol concentration of 0.10% or more by weight

This bill would require the Department of Motor Vehicles to include notice of the amount of alcohol consumed that would cause the blood alcohol concentration to exceed this standard with each driver's license or renewal and vehicle registration renewal mailed by the department. Additionally, the bill would require at least one question to be included in each driver's license examination on the table of blood alcohol concentration published in the Driver's Handbook. The bill would require initial inclusion of the questions when the test is otherwise revised or reprinted.

The bill would take effect immediately as an urgency statute, but would not become operative for 60 days or until August 1, 1984, whichever is later.

Ch 55 (AB 1800) Hughes. Community colleges: parking fees: capital outlay projects

(1) Under existing law, community college districts may require students and employees to pay a parking fee, as specified, for the use of parking services.

This bill would authorize community college districts to require payment of a fee, to be fixed by the governing board, for the use of parking services by persons other than students and employees. This authorization would become operative on the 91st day after the adjournment of the 1983-84 Second Extraordinary Session.

(2) Under existing law, community college districts which receive state funds for capital outlay are required to contribute available district funds for that purpose. Certain funds are excluded from the district's computation of available funds, including moneys designated for specific projects included in the district's 5-year plan which were included in the Budget Act of 1980 or a prior Budget Act, and moneys designated for 100% locally funded projects which were approved by the office of the Chancellor of the California Community Colleges prior to July 1, 1981.

This bill would exclude from the district's computation of available funds district moneys designated for specific projects which received state funds in a prior Budget Act and which are included in the district's 5-year plan, and moneys designated for 100% locally funded projects which were approved by the chancellor's office prior to July 1 of the previous year without qualification as to the effect on district eligibility for future state funding.

(3) This bill would take effect immediately as an urgency statute

Ch 56 (AB 2189) Tucker. Alcoholic beverage control.

Existing law does not specifically authorize the Director of Alcoholic Beverage Control, in general, to bring an action to enjoin a violation or threatened violation of the Alcoholic Beverage Control Act.

This bill would specifically authorize the director to bring an injunctive action to enjoin a violation or threatened violation of any provision of, or rule promulgated pursuant to, the Alcoholic Beverage Control Act. The bill would prohibit any action

pursuant to the provision until the department has revoked the license of the licensee
The bill would take effect immediately as an urgency statute.

Ch 57 (SB 599) Davis. Peace officers.

Existing law provides that various investigators and employees of state agencies are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making arrests, as specified.

This bill would provide that the chief and coordinators of the Law Enforcement Division of the Office of Emergency Services are peace officers within the meaning of these provisions. The bill would provide that it is the intent of the Legislature that this change shall not change the status of these persons with respect to retirement, workers' compensation or other employee benefits.

The bill would take effect immediately as an urgency statute.

Ch. 58 (SB 1268) Russell. County Retirement Plan E under CERL of 1937· transfers

(1) Existing provisions of the County Employees Retirement Law of 1937 presently: authorize Los Angeles County to adopt by resolution an alternative, optional, noncontributory retirement plan, designated Retirement Plan E, for general members, as specified, make any subsequent amendments or modifications to the plan contingent upon mutual agreement of the employer and employee representatives and adoption by the board of supervisors, as specified, and permit members to elect within 60 days to transfer to the plan.

This bill would remove the 60-day limitation upon the election to transfer to the plan and provide, instead, that the provision authorizing the election to transfer to the alternative plan shall be operative at times to be mutually agreed to in memoranda of understanding executed by the employer and employee representatives, as specified, and add provisions which would be operative at times to be mutually agreed to in memoranda of understanding executed by the employer and employee representatives, as specified, and which would authorize transfer from Plan E to the contributory retirement plan otherwise available, as specified.

(2) This bill would take effect immediately as an urgency statute.

Ch 59 (AB 1154) McAlister Insurance· investments.

Existing law authorizes excess fund investments in real estate and leases thereof and in the making of improvements thereon for business or residential purposes as an investment for the production of income by any admitted insurer having admitted assets of not less than \$25,000,000, but admitted insurers, other than life, title, mortgage and mortgage guaranty insurers, having admitted assets aggregating in value less than \$25,000,000 but not less than \$10,000,000, may also qualify to make such investments for a period of 12 months with the prior approval of the Insurance Commissioner.

This bill would revise those provisions relative to the reference to the term "admitted insurers," as specified.

Existing law authorizes discretionary investments, after investment of an amount equal to its required minimum paid-in capital in specified securities, by any admitted insurer.

This bill would revise those provisions to refer to domestic incorporated insurers rather than admitted insurers.

Existing law makes the conditions and limitations set forth above applicable to the purchase, holding, or conveyance of real estate by admitted incorporated insurers.

This bill would make those provisions apply only to real estate in which domestic insurers are permitted to invest.

Ch. 60 (AB 626) Margolin Santa Monica Mountains Conservancy.

(1) Existing provisions of the Santa Monica Mountains Conservancy Act authorize the Santa Monica Mountains Conservancy to acquire and improve real property within the Santa Monica Mountains zone for specified purposes.

This bill would prescribe conditions of use applicable to property owned or subject to the interim management of the conservancy, and would require trails, campsites, and other public use areas on that property to be designated and posted with prohibited

activities and use restrictions clearly indicated

The bill would impose a state-mandated local program by making violation of the posted conditions of use a crime, and by making other specified activities on property owned or managed by the conservancy a crime, punishable as prescribed.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(3) The bill would take effect immediately as an urgency statute.

Ch. 61 (AB 1621) Farr Pacific Grove Unified School District

Existing law provides for apportionments to school districts.

This bill would appropriate the sum of \$1,800,000 from the General Fund to Section A of the State School Fund for allocation by the Superintendent of Public Instruction as an emergency apportionment to the Pacific Grove Unified School District for the payment of operational costs in the district.

The bill would take effect immediately as an urgency statute.

Ch. 62 (SB 1152) Rosenthal. Local government: special meetings.

Existing law provides for the conduct of meetings by governmental bodies and generally requires the meetings to be open to the public and properly noticed, as specified. However, a legislative body of a local agency may hold closed sessions with its designated representatives prior to and during consultations and discussions with representatives of employee organizations, as specified.

This bill would additionally authorize a legislative body of a local agency to hold closed sessions with its designated representatives prior to and during consultations and discussions with unrepresented employees, as specified.

Ch. 63 (AB 1772) Papan Building permits.

Under existing law, a city or county, in the exercise of its police power, may enforce building regulations through the issuance of building permits and the inspection and approval of construction, alteration, or demolition authorized by the permit. Generally, it is a violation of local ordinances to undertake construction, alteration, or demolition for which a building permit is required unless a building permit has been obtained. Ordinarily a building permit is issued with respect to a specific property within the jurisdiction of the issuing agency and, unless a vested right has been acquired thereunder, need not be recognized by another local agency if the subject property is removed from the jurisdiction of the issuing agency through annexation or the formation of a new local agency.

Existing law also requires a newly incorporated city which comprises territory formerly unincorporated to adopt an ordinance providing that all county ordinances applicable thereto remain in full force in effect as city ordinances for a period of 120 days or until the city supersedes the ordinance in a specified manner. Existing law provides that the enforcement responsibility over the former county ordinance is generally the responsibility of the new city.

This bill, with certain prescribed exceptions, would make all building permits, valid for a period of 180 days from the date of issuance of the building permit if an application for the building permit is filed with the county prior to the vote on incorporation of a new city, the building permit is subsequently issued by the county, and the property is within the newly incorporated limits.

It would, with certain prescribed exceptions, make a building permit which is issued by a county for construction on real property subsequently annexed to a city, valid for the life of the building permit as issued.

It would also authorize the city of which the affected territory became a part to extend the life of a building permit.

The bill would provide that its provisions apply only to incorporations or annexations which become effective on or after January 1, 1985.

It would prescribe that all rights accorded to a permittee by its provisions be exercised by a successor in interest, as specified.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program to the extent that under its provisions a newly incorporated city may have to enforce a county ordinance for a period longer than under existing law.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1991, the provisions contained in the bill for which state reimbursement is required.

Ch. 64 (SB 630) McCorquodale. Vehicle stoplamps

(1) Existing law authorizes vehicle stoplamps to be activated by a device designed to function upon sudden release of the accelerator. Existing law also authorizes vehicle stoplamps to be activated by a device when downshifting, as specified. These devices are subject to requirements established by the Department of the California Highway Patrol.

This bill would delete provisions making these devices subject to requirements of the department.

(2) Under existing law, supplemental stoplamps may be mounted on a vehicle to the rear of the rearmost position of the driver's seat.

This bill would authorize supplemental stoplamps to be mounted inside the rear window of a vehicle, if mounted at the centerline of the vehicle and its light will not be visible to the driver. The bill would also ~~specify~~ [require]* that supplemental stoplamps installed after January 1, 1979, be red and mounted at least 15 inches above the roadway.

Ch. 65 (AB 1483) Wyman. Juries: notice by telephone.

Under existing law, except in a county having a population of more than 6,000,000, a juror is entitled to volunteer to be available on one-hour telephone notice in which case the juror is not obligated to appear in court until so notified.

This bill would extend such provision to a county having a population of more than 6,000,000, subject to the determination of the jury commissioner that it will serve the operational needs of the court, and subject to approval by the county board of supervisors.

Ch. 66 (SB 1042) Lockyer. Real estate licensees.

Existing law prescribes the qualifications necessary for an applicant for a real estate brokers license and for a real estate salesperson license.

This bill would revise the educational requirements for those licenses.

Existing law requires real estate licensees to complete specified continuing education requirements as a condition for the renewal of their license.

This bill would exempt specified real estate salespersons from that requirement for their first license renewal, except for the completion of certain courses, as specified.

Existing law prescribes that the fee for a real estate salesperson license shall not exceed \$120.

This bill would provide that the fee for specified real estate salespersons who have not satisfied all of the required educational requirements shall not exceed \$145.

Existing law provides that the application fee for approval of each course given by each branch of a private vocational school and the application for annual renewal of each course given by a private vocational school and for each branch of a private vocational school is \$75.

This bill would provide that the application fee for approval of each course given by

a private vocational school, including any branch, is \$150, and would delete the annual renewal fee.

Existing law authorizes the Real Estate Commissioner to establish fees for approval of continuing education courses, seminars, or conferences.

This bill would include the approval of workshops in that provision and would include a fee for the evaluation of a petition based on a claim of equivalency

The bill would make other conforming and technical changes.

Ch. 67 / (AB 834) Felando. Mackerel.

Existing law requires the Director of Fish and Game to determine the season allowable catch of Pacific mackerel at 20% of the fishery in excess of 20,000 tons. The Department of Fish and Game is required to keep records of the catch, as specified, and publicly announce the date of the closing of the season at least 48 hours prior thereto. The director may also adjust the determined seasonal allowable catch, as specified, between July 1 and February 1.

This bill would, after July 1, 1984, authorize the Fish and Game Commission to adjust the determined seasonal allowable catch, as specified, between February 2 and June 30.

The bill would also permit taking of 2,500 tons of Pacific mackerel in each month of April, May, and June of 1984, as specified, and would require the department to keep records of this catch and announce the closing date of each monthly season, as specified. This provision of the bill would become inoperative on July 1, 1984.

The bill would take effect immediately as an urgency statute.

Ch. 68 (AB 392) Robinson. Industrial loan companies.

Existing law exempts specified types of loans and obligations from the maximum charge limitations prescribed under the Industrial Loan Law.

This bill would make a clarifying change to these provisions, as specified.

The bill would take effect immediately as an urgency statute.

Ch. 69 (AB 611) Jones. Vehicles: school crossing guards violations of directions

(1) Under existing law, Vehicle Code infractions are generally punishable by a fine not exceeding \$50, except that the maximum fine is increased to \$100 for a second conviction in a year and to \$250 for a third or subsequent conviction in a year.

This bill would revise this schedule of fines for infractions to authorize a \$100 maximum fine, with a \$200 maximum fine for a second conviction within one year, but would not revise the \$250 maximum fine for a third or subsequent conviction in a year. The bill would establish a special schedule of fines for violating a traffic signal or direction given by a nonstudent school crossing guard, to make that infraction punishable by a \$50 minimum and \$100 maximum fine, with a \$100 minimum and \$200 maximum fine for a second conviction within one year, and a \$250 minimum and \$500 maximum fine for a third or subsequent conviction within 2 years. The bill would authorize a court to order the Department of Motor Vehicles to suspend a violator's driver's license for not more than 30 days for a third or subsequent conviction of this offense within 2 years.

The bill would also make technical corrections.

(2) This bill would amend Section 42001 of the Vehicle Code to incorporate the changes in that section proposed by SB 1488 on the operative date of that bill, if both bills are enacted and this bill is enacted after SB 1488, but becomes operative before SB 1488.

(3) The bill would take effect immediately as an urgency statute.

Ch. 70 (AB 1268) Elder. California State University employees

Existing law requires the Trustees of the California State University to provide by rule for the government of their appointees and employees, including specified items.

This bill would include employer's contribution to employees', annuitants', and survivors' health benefits plans within those specified items.

Ch. 71 (AB 2202) Kelley. Economic poisons

(1) Existing law establishes the Agricultural Pest Control Advisory Committee in the Department of Food and Agriculture with a specified membership.

This bill would revise the qualifications for the member of the committee representing the University of California.

- (2) The bill would take effect immediately as an urgency statute.

Ch. 72 (SB 721) Dills. Quarter horses.

(1) Existing provisions of the Horse Racing Law authorize the California Horse Racing Board to adopt rules and regulations of the Pacific Coast Quarter Horse Association for the regulation of quarter horse racing.

This bill would, in addition, authorize the board to adopt rules and regulations of the Pacific Coast Quarter Horse Racing Association for the regulation of quarter horse racing.

(2) Existing law requires, with exceptions, that the portion deducted from parimutuel pools for purses be paid to or for the benefit of horsemen at the racing meeting.

This bill would require an association other than a fair which conducts a quarter horse racing meeting, except a mixed breed meeting, to pay an amount equivalent to 15% of the portion to the horsemen's organization for administrative expense and services rendered to horsemen.

Ch. 73 (SB 824) Presley. Lien sales: vehicles.

(1) Existing law specifies procedures for the conduct of a sale to satisfy a lien for the costs of removal and disposition of certain vehicles. These procedures are separate for vehicles valued at \$300 or less and vehicles valued over \$300.

This bill would raise the \$300 threshold to \$1,000 until January 1, 1988.

(2) Existing law requires publication of notice of a vehicular lien sale 10 to 20 days prior to conducting the lien sale.

This bill would, until January 1, 1988, permit publication of the notice 5 to 20 days prior to the lien sale.

(3) Existing law does not require the Department of Motor Vehicles to be notified in advance of the intent to conduct a lien sale of specified low-valued vehicles, as described in (1) above.

This bill would, until January 1, 1988, require the lienholder to send a copy of the completed Notice of Pending Lien Sale form to the department, as prescribed.

(4) Existing law requires the lienholder, in conducting the lien sale of such a low-valued vehicle, to conspicuously post the Notice of Pending Lien Sale form both where the vehicle is stored and at the business office of the lienholder.

This bill would, until January 1, 1988, require the notice to be posted only at the business office of the lienholder.

(5) The changes proposed by the bill would be repealed on January 1, 1988, without further action of the Legislature.

Ch. 74 (AB 2292) Lancaster. Vehicles: sun screen devices.

Existing law, with certain exceptions, prohibits the driving of any motor vehicle with any object or material on the windshield or side or rear windows or so placed as to obstruct or reduce the driver's clear view through the windshield or side windows.

This bill would permit sun screening devices of prescribed specifications to be used on the front side windows of a motor vehicle, if the front seat of the vehicle is occupied by a person certified by a physician and surgeon to require shading from the sun. Under the bill, the devices could not be used when headlamps are required to be lit.

Ch. 75 (SB 74) Watson. Aid to Families with Dependent Children.

Existing law provided for an Emergency Assistance for Needy Families with Children Program, to provide specified children's services, with the authority to implement this program having terminated on July 1, 1983.

This bill would, retroactive to July 1, 1983, reenact authority for implementing this program, as specified.

The bill would provide that the provisions relating to this program shall be operative until July 1, 1988, and shall be repealed on January 1, 1989.

The bill would take effect immediately as an urgency statute.

Ch. 76 (SB 314) Rosenthal. Acupuncture.

Existing law authorizes the Acupuncture Examining Committee to establish standards for continuing education for acupuncturists.

This bill would require the committee to establish those standards, would require

acupuncturists to complete 30 hours of continuing education as a condition of renewing their certificate, and would require providers of continuing education courses to apply for approval of those courses.

The bill would become operative on January 1, 1986.

Ch. 77 (SB 2076) Johnson. Pest and disease eradication.

(1) Under existing law, the contribution by the state to reimburse the owner of an animal that is destroyed in furtherance of an animal quarantine established by the Director of Food and Agriculture is conditioned on the United States sharing equally in the payment.

This bill would also authorize California to contribute toward this payment if the director finds that the failure to dispose of the animal would be or would have been detrimental to the welfare of that animal industry.

(2) Under existing law, in order to calculate reimbursement to the owner of animals or property destroyed in furtherance of an animal quarantine, the value is established by one appraiser appointed by the director and one appraiser appointed by the federal government.

This bill would require the director to determine the value of the animals or property destroyed if reimbursement will be made pursuant to a finding by him or her that failure to dispose of the animal or property would be detrimental to the welfare of that animal industry. The bill would also redraft and reenact the provisions for 2 appraisers when the federal government is sharing in the reimbursement.

(3) The bill would appropriate \$1,000,000 from the General Fund to the department to reimburse animal owners pursuant to the programs referred to in (1) above during the 1983-84 and 1984-85 fiscal years

(4) Existing law provides a system for agricultural pest control and eradication in which state and local responsibilities are shared by the Department of Food and Agriculture and the county agricultural commissioners, as specified.

This bill would appropriate \$2,703,968 from the General Fund to the department for expenditure, as prescribed, for specified control, detection, and eradication activities relating to the apple maggot. The bill would require the department to report to the Legislature, on or before January 1, 1985, on the status of its efforts in carrying out the act and on whether the apple maggot is eradicable or controllable. The bill would declare that no funds, except those appropriated in this bill, shall be expended for those activities until the report has been received and evaluated by the administration and the Legislature. If the report determines that the apple maggot is not eradicable, the funds appropriated for this purpose could not continue to be expended unless industry funding to cover 65% of the cost of a control program is provided.

(5) The bill would take effect immediately as an urgency statute

Ch 78 (AB 888) Moorhead. Health facilities.

The Hospital Seismic Safety Act of 1982, among other things, makes defined "hospital buildings" subject to design review by the Office of Statewide Health Planning and Development, Department of General Services, and State Fire Marshal

This bill would exempt from the Hospital Seismic Safety Act of 1982 buildings used as intermediate care facilities/developmentally disabled, if formerly licensed as community care facilities and if certain other criteria are met

This bill would take effect immediately as an urgency statute

Ch. 79 (SB 1023) Montoya. Child care. permits.

(1) Existing law specifies that child development permits issued to persons employed in positions pertaining to the supervision and instruction of children or supervision of a child development program may consist of 2 types, regular and provisional. Existing law requires the Commission on Teacher Credentialing to prescribe the requirements for each type of permit.

This bill would repeal the provisions of existing law.

This bill would require the Commission on Teacher Credentialing to establish by rule or regulation the requirements (1) for the issuance and renewal of a children's center instruction permit and a children's center supervision permit and (2) for the duration of those permits This bill would specify that a children's center permit, which is to be

issued to a person who is to be employed in a position involving the instruction of children in a child development program, is to consist of 3 types: regular, emergency, and limited. This bill would specify that a children's center instruction limited permit is to include, as one of its requirements, the completion of an onsite assessment of teaching competency approved by the commission.

This bill would specify that a children's center supervision permit, which is to be issued to a person who is to be employed in a position involving the supervision of a child development program, is to consist of 2 types: regular and life.

(2) This bill would make other technical, nonsubstantive amendments.

(3) Existing law specifies that commencing September 1, 1984, no person employed to work in a child care development program under direct contract with the State Department of Education shall receive compensation for work as a teacher unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills, as specified.

This bill, instead, would specify that commencing on September 1, 1984, applicants for an initial regular children's center instructional permit, and applicants for the renewal of an emergency children's center permit or limited service permit shall demonstrate proficiency in basic skills, as specified, including, among other options, by meeting the requirements for an associate degree or a baccalaureate degree.

This bill would specify that if a child care and development program teacher employed prior to September 1, 1984, in these programs does not demonstrate basic skills proficiency, he or she shall be given 2 years to master these basic skills without jeopardizing the renewal of his or her permit, and shall be given additional opportunities to be reassessed. This bill would delete the requirement found under current law that the failure to pass an assessment in basic skills during the 2-year period shall be grounds for loss of compensation.

(4) Existing law prescribes the statutory scheme for the award of child care and development contracts.

This bill would authorize the Superintendent of Public Instruction for the 1981-82, 1982-83, and 1983-84 fiscal years only, to resolve audit exceptions in favor of specified child care contractors where the audit exceptions were caused by the imposition of the per hour reimbursement rate for these fiscal years, except where the Superintendent determines that there is evidence of fraud.

This bill would require the Superintendent, commencing with the 1984-85 fiscal year, to award annual contracts for these programs without the necessity of requiring the imposition of a per hour reimbursement rate upon the receipt of assurances that service levels shall be maintained. This bill would specify that reductions in the allowances for these programs for the 1983-84 fiscal year shall not be required if it is determined that there has been no decline in program service levels.

(5) The provisions of this bill would take effect immediately as an urgency statute.

Ch. 80 (AB 1848) Clute Cities, counties, and special districts.

(1) Existing law, contained in the Municipal Organization Act of 1977 and the District Reorganization Act of 1963, respectively, prescribes procedures for effecting the incorporation, disincorporation, and consolidation of cities, and for annexing territory to, or detaching territory from, cities, and for the formation, consolidation, and dissolution of special districts, and for annexing territory to, or detaching territory from, special districts. As used in those acts, the terms "affected city" and "affected district" are defined generally to mean a city or district containing territory which is or would be affected by the proceedings.

This bill would, with respect to those acts, redefine the terms "affected city" and "affected district" to refer to a city or district containing, or whose sphere of influence contains, territory which is or would be affected by the proceedings.

This change would impose a state-mandated local program by requiring that various notices be sent to, and that elections be held in, cities and counties whose boundaries would not be affected by the proceedings, but whose sphere of influence contains territory which is or would be affected by the proceedings.

(2) The aforementioned acts require that the local agency formation commission, and cities, counties, and special districts, when designated as the conducting authority, give mailed notice of hearings and elections to be held in connection with proceedings under

those acts.

This bill would specify additional entities to whom such notice must be given. This change would impose a state-mandated local program.

(3) The bill would make various technical and conforming changes in each of the aforementioned acts.

(4) Under existing law, a local agency formation commission is required to publish, in a specified manner, notice of a hearing on a proposal for the annexation of territory to a city, the incorporation of a new city, or the formation of a district.

This bill would delete that requirement in the case of a hearing on a proposal for the annexation of territory to a city or for the incorporation of a new city.

(5) Under existing law, it is within the discretionary power of a county board of supervisors to order the reorganization of an existing fire department or fire protection district in accordance with the Fire Protection District Law of 1961, if petitioned to do so by taxpayers, voters, or the governing board thereof.

This bill would, instead, require a board of supervisors to take specified courses of action in response to such a petition, depending upon the number of protests filed and whether the affected territory is inhabited or uninhabited. The procedures prescribed by the bill would impose a state-mandated local program.

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(7) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 81 (AB 1144) Hill. State Duck Stamp Account

(1) Under existing law, the taking of migratory game birds, except as specified, is prohibited, unless the person is licensed, as specified, or the person procures and has in possession a state duck stamp.

The fee for a state duck stamp is \$5, and the funds from the sale are required to be deposited in the Fish and Game Preservation Fund. The Department of Fish and Game is required to maintain a separate State Duck Stamp Account to permit separate accountability of the sale of those stamps. Five percent of those funds may be used to reimburse the department for specified administrative costs.

Under existing law, the funds deposited in the State Duck Stamp Account are required to be used for projects approved by the Fish and Game Commission for the purpose of protecting, preserving, restoring, enhancing, and developing migratory waterfowl breeding habitat.

This bill would increase the fee for a state duck stamp to \$7.50 and clarify that these funds are to be deposited in the State Duck Stamp Account in the Fish and Game Preservation Fund. The bill would also, instead, permit \$0.25 for each state duck stamp sold to be used for administrative costs.

The bill would require that the funds also be used for protecting, preserving, restoring, enhancing, and developing migratory wintering habitat.

(2) Under existing law, 45% of the funds are required to be allocated for the preservation of specified Canadian waterfowl habitat, and the balance is authorized to be used for migratory waterfowl breeding habitat in California, if the California lands acquired are open to waterfowl hunting, as specified.

This bill would, instead, require \$2.25 for each duck stamp sold to be allocated for the preservation of the specified Canadian waterfowl habitat. The bill would require that the balance be used for migratory waterfowl breeding and wintering habitat in California, as specified.

(3) The bill would become effective immediately as an urgency statute and would

become operative on July 1, 1984.

Ch 82 (AB 1895) Wright. Burglary tools

Existing law prohibits possession and other conduct by persons relative to any of specified enumerated devices, or other instrument or tool with specified felonious intent.

This bill would add additional instruments, devices, or tools to the above

This bill would also provide that any person who knowingly and willfully sells or provides specified devices shall obtain specified identifying information from the person to whom the tools were sold or provided, and provide a bill of sale or receipt, a copy of which shall be open to police inspection for one year. Violation of this provision would be a misdemeanor.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by changing the definition of a crime, and by creating a new crime.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 83 (SB 1403) Rosenthal. Cities destruction of duplicate records.

Existing law authorizes the legislative body of a city to prescribe a procedure for destroying duplicates of city records which are no longer required.

This bill would deem certain video recordings to be duplicates, if the city keeps another record of the event recorded in the video medium. The bill would, however, prohibit the video recording medium from being destroyed or erased for at least 90 days after occurrence of the recorded event.

The bill would make a conforming change as to the length of time which duplicate city records must be retained.

Ch. 84 (AB 2191) Cortese. Vehicles wheelchair lifts.

Nothing in existing law establishes safety standards for lift devices used to raise and lower wheelchairs and their occupants so as to permit access to a vehicle.

This bill would require the Department of Rehabilitation, in cooperation with the Department of the California Highway Patrol, to study the frequency and seriousness of accidents caused by utilizing these devices, and to report to the Legislature by July 1, 1985.

Ch 85 (AB 2131) Isenberg. Aquatic resources

(1) Under existing law, no person may receive, bring, or cause to be brought, into this state for propagation any fish, reptile, amphibian, or aquatic plant from any place where any of those items are known to be infested, diseased, or parasitized, and every person who receives, brings, or causes to be brought into this state any live fish, reptile, amphibian, or aquatic plant, is required to give written notice 10 days in advance to the Director of Fish and Game showing the probable date and place of arrival.

This bill would impose a state-mandated local program by changing the punishment for importations from places known to be infested, diseased, or parasitized and by prohibiting instead the importation of any live aquatic plant or animal into this state without the prior written approval of the Department of Fish and Game pursuant to regulations adopted by the Fish and Game Commission. This provision of the bill would not apply to specified plants or animals unless the plants or animals are or may be placed in waters of the state or to imports by registered aquaculturists. The bill would make a technical, clarifying change to marking requirements on any package containing a live aquatic plant or animal.

(2) Under existing law, a violation of the above provisions is a misdemeanor punishable by a fine of not to exceed \$500 or imprisonment in the county jail for not to exceed 6 months, or both.

This bill would make the punishment a fine of not to exceed \$5,000 or imprisonment

in the county jail for not to exceed one year, or both the fine and imprisonment.

(3) Under existing law, the commission may authorize the department to issue licenses for wildlife management areas on private lands for fees established by the commission which are calculated to meet the costs of the department in administering the licensing program. Any fish, bird, or mammal taken in such an area is required to be tagged or sealed and the commission is required to establish fees for the tags and seals in amounts which are calculated to meet the costs of the department in administering the tagging and sealing requirements.

This bill would require the commission to establish both fees in amounts calculated, in conjunction with the other, to meet the costs of the department for its administration of all of the requirements of the private wildlife management area program, as specified.

(4) Under existing law, it is unlawful to place, plant, or cause to be placed or planted, in any of the waters of this state, any live fish, any fresh or salt water animal, or any aquatic plant, without first submitting it for inspection to, and securing the written permission of, the department. Violation is a misdemeanor punishable by a fine not to exceed \$500 or imprisonment in the county jail for not to exceed 6 months, or both.

This bill would make the maximum punishment for each violation a fine of \$5,000 or imprisonment in the county jail for a period not to exceed one year, or both the fine and imprisonment.

(5) Under existing law, the commission may prohibit the placement of specific species of aquatic plants or animals, except native or stocked species, in designated waters of the state, and no person may move, or allow to be moved, any aquatic plants or animals that are quarantined, except as specified. A violation of either of these provisions is a misdemeanor punishable by a fine of \$2,000 or imprisonment in the county jail for one year, or both the fine and imprisonment.

This bill would, instead, make the maximum punishment for each violation a fine of \$5,000 or imprisonment in the county jail not to exceed one year, or both the fine and imprisonment.

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(7) The bill would take effect immediately as an urgency statute.

Ch 86 (AB 1999) Seastrand. Weapons

Existing law provides that a person who brandishes a firearm in the presence of a peace officer, as defined, is guilty of a felony, punishable by imprisonment in the county jail or in state prison.

This bill would include within the definition of "peace officers" for those purposes, additional persons including certain employees of the Departments of Fish and Game, Parks and Recreation, and Alcoholic Beverage Control, thus imposing a state-mandated local program by expanding the scope of an existing crime.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 87 (AB 1458) Elder Water district taxes. mobilehomes

Under existing law, taxes may be levied by various water districts for purposes of debt service.

Section 2 of Article XIII of the California Constitution empowers the Legislature, by $\frac{2}{3}$ vote, to classify personal property for differential taxation or for exemption.

This bill would specify generally that a mobilehome used primarily for residential purposes and located on rental spaces within a mobilehome park is not property subject

to ad valorem property taxes for debt service of any water district, as defined, or any improvement district therein.

Ch. 88 (AB 1453) Elder. STRS Ombudsman: complaints about staff actions.

The State Teachers' Retirement Law confers the administrative power over the system upon the Teachers' Retirement Board and provides for employment by the board of a chief executive officer and various employees.

This bill would require the board to establish an ombudsman position to perform specified duties relating to complaints regarding actions of the staff of the system.

This bill would also state related legislative intent

Ch. 89 (AB 1336) Floyd. Firefighters

(1) Existing law governing employer-employee relations between state civil service employees and the state employer provides that if specified code sections are in conflict with the provisions of a memorandum of understanding between the parties, the memorandum of understanding shall be controlling without further legislative action if the expenditure of funds is not required. Among these specified code sections are provisions requiring that workers' compensation benefits be provided to any state firefighter injured while off duty in a fire-suppression or rescue operation or in the protection or preservation of life or property.

This bill would remove the above provisions relating to workers' compensation benefits for firefighters from the specified code sections over which a memorandum of understanding is controlling

(2) Existing law also contains various provisions relating to firefighters of the state and local public agencies

This bill would make technical nonsubstantive changes to these provisions.

(3) Existing law provides for the State Board of Fire Services consisting of 17 specified members.

This bill would increase the membership on the board to 18 members by adding one volunteer firefighter to the board to be appointed by the Governor from a list of names recommended by statewide organizations representing volunteer firefighters with organization memberships exceeding 2,000 persons

This bill would also state the intent of the Legislature that, if a volunteer firefighter has been appointed to the board prior to the effective date of this bill, that appointee shall be the volunteer firefighter member created by this bill, and his or her prior position on the board shall be considered vacant

Ch. 90 (AB 2495) Hauser. Community college facilities: Mendocino-Lake Community College District.

Existing law authorizes a community college district to conduct a capital outlay project for which the district has received an appropriation

This bill would authorize the Mendocino-Lake Community College District to proceed with the bidding process for project work for construction of a library and learning resource building, but would prohibit the expenditure of funds to make payment pursuant to any contract relating to the project work unless the funds are appropriated for that purpose in the Budget Act of 1984.

This bill would take effect immediately as an urgency statute

Ch. 91 (SB 1321) Marks. Validations.

This bill would enact the First Validating Act of 1984, which would validate the organization, boundaries, acts, proceedings, and bonds of counties, cities, and specified districts, agencies, and entities

This bill would take effect immediately as an urgency statute.

Ch. 92 (SB 366) Rosenthal. Dentistry: radiation safety examination.

Existing law provides that every person licensed to practice dentistry in this state shall certify to the Board of Dental Examiners of California that he or she, or an employee thereof, who operates dental radiographic equipment, has passed an examination. An examination fee to be set by the board at not more than \$10 is required.

This bill would provide, instead, that on and after January 1, 1985, every dentist licensed to practice dentistry in this state and any person working in a dentist's office

who operates dental radiographic equipment shall either pass a specified course in radiation safety approved by the board or have passed a radiation safety examination conducted by the board prior to January 1, 1985. The bill would provide, in addition, that the permitting of any person to operate dental radiographic equipment who has not passed the specified course in radiation safety approved by the board or the radiation safety examination conducted by the board prior to January 1, 1985, shall constitute unprofessional conduct for which a license may be revoked or suspended.

The bill would provide that the board shall require the courses in radiation safety to be taught by persons qualified in radiographic technique and shall adopt regulations specifying the qualifications for radiation safety course instructors.

Ch. 93 (AB 915) Felando Dialysis.

Existing law provides, with certain exceptions, that the annual license fee for a specialty clinic, including a chronic dialysis clinic, is \$2,000.

This bill would, instead, provide that the annual fee for an initial or renewal license, license upon change of ownership, or special permit for a chronic dialysis clinic is \$300 plus an amount equal to 0.0003 times the clinic's operating cost for the last completed fiscal year.

This bill would take effect immediately as an urgency statute.

Ch. 94 (SB 222) Foran Motor Vehicle Account driver training

Under existing law, moneys in the Motor Vehicle Account in the State Transportation Fund may be expended for support of the Department of Motor Vehicles and the Department of the California Highway Patrol and for automobile driver training. Unexpended balances in the Motor Vehicle Account are required to be transferred to the State Highway Account in the State Transportation Fund.

This bill would prohibit expenditure of any money in the Motor Vehicle Account for automobile driver training.

Ch. 95 (SB 283) Foran Transportation planning highway parking and transit facilities.

(1) Existing law requires the Department of Transportation to submit, not later than October 1 of each year, to the California Transportation Commission a recommended annual and 5-year estimate of federal and state funds available for transportation purposes. Not later than November 1 of each year, the commission is required to adopt and provide to the transportation planning agencies and county transportation commissions an annual and 5-year estimate of all state and federal funds reasonably expected to be available to each region for transportation purposes.

This bill would revise those dates to October 15 and November 15, respectively.

(2) Existing law requires the department to submit, not later than December 1 of each year, to the commission and all transportation planning agencies and county transportation commissions the department's proposed state transportation improvement program.

This bill would, instead, require the department to submit its proposed program by March 1. The bill would authorize the department, not later than March 1, to submit to the commission its recommendations for the list of projects for beginning project development work.

(3) Existing law requires the transportation planning agencies and county transportation commissions in urbanized areas of over 50,000 population to adopt and submit, not later than April 1 of each year, to the commission and the department a transportation improvement program. In all other areas of the state, not later than April 1 of each year, the transportation planning agencies are required to adopt and submit to the commission and the department comments they may have relative to the department's proposed state transportation improvement program.

This bill would change the required date for the adoption and submittal of a transportation improvement program, or of comments on the proposed state transportation improvement program, to May 1. The bill would authorize transportation planning agencies and county transportation commissions to submit recommendations for the list of projects for beginning project development work.

(4) Existing law requires the 5-year state transportation improvement program

adopted by the commission to include all major projects to be funded by state transportation funds allocated by the commission during the 5-year period.

This bill would require the adopted program to include specified information regarding highway projects that will not be completed during the 5-year period

(5) Existing law requires the executive director of the commission to direct the staff of the commission

This bill would require the executive director to make available, at least 20 days prior to the adoption of the state transportation improvement program, to the commission, the department, and the transportation planning agencies and county transportation commissions, the recommendations of the staff on the program

(6) Existing law requires the commission to adopt, as part of the state transportation improvement program, a list of supplementary projects for which the department is required to perform project development work.

This bill would instead require the commission to adopt a list of projects, subject to specified conditions, for the department to begin project development work. The bill would specify that the projects are not part of the adopted state program, other than for allocation of funds for that work

(7) Existing law provides an appeal procedure regarding the adopted state transportation improvement program and authorizes the commission to amend the state program with respect to the appeals.

This bill would delete the appeal procedure, but would authorize the commission to amend the state transportation improvement program if public notice of the proposed amendments is made at least 30 days prior to the commission taking formal action on the proposed amendments.

(8) Existing law requires the commission biennially to adopt and submit a report to the Legislature which contains an evaluation of significant transportation issues and an overview of necessary future investments in the transportation system in California

This bill would delete this provision and instead require the commission to submit an annual report to the Legislature on the policies and decisions adopted by the commission, on the major project allocations in the past year, and on significant transportation issues

(9) Existing law prohibits the department from accepting applications for funds from the Transportation Planning and Development Account in the State Transportation Fund for transit capital improvement projects unless the public entity, other than the department, submitting the application states that it will contribute funds to finance the project in an amount at least equal to 10% of the amount requested in the application.

This bill would authorize the commission to increase the 10% requirement to a higher percentage applicable to all applicants in order to maximize the effectiveness of the funds available for allocation, but would prohibit the commission from specifying the revenue sources to be used by the applicant in meeting the requirement

(10) Existing law authorizes the department to construct, maintain, and operate fringe and transportation corridor parking facilities, and to construct and maintain transit related highway facilities, along the state highway system, if the facilities are included in a regional transportation improvement program when the facilities cost \$30,000 or more and are located in an urbanized area.

This bill would require inclusion in a regional program only those facilities which cost \$250,000 or more and are located in an urbanized area.

Ch. 96 (AB 504) Vasconcellos Appropriation. state-mandated local costs reimbursement.

(1) This bill would appropriate \$52,589,870† from the General Fund to the State Board of Control and to the Controller, as specified, to pay claims against the state of local agencies and school districts for reimbursement for specified state-mandated local costs.

(2) This bill would require the State Board of Control to amend the parameters and guidelines for the reimbursement of claims under specified statutory provisions prior to reporting those claims to the Legislature, as specified

† Appropriation reduced to \$21,903,053 by action of the Governor. Appropriation of \$686,817 in first schedule (r) of Section 1 is reduced. Appropriation of \$30,000,000 in second schedule (r) of Section 1 is deleted

(3) This bill would state the findings and declarations of the Legislature that certain statutory and regulatory provisions impose only nonreimbursable state-mandated costs, as specified, and that a specified statutory provision does not impose a state mandate.

(4) This bill would express the intent of the Legislature that, in analyzing the claims of local agencies, the Board of Control, the Department of Finance, and the Legislative Analyst shall consider any increased revenues or savings realized by the affected local agency in complying with a state mandate

(5) This bill would take effect immediately as an urgency statute.

Ch 97 (AB 2224) Bergeson. Schools: finance summer school apportionments.

(1) Under existing law, commencing in the 1984-85 fiscal year, school districts will receive apportionments for summer school based generally on summer school funding during the 1983-84 fiscal year, adjusted for various factors

This bill would revise the computation of funding for summer school programs for instruction in mathematics, science, and other core academic areas designated by the Superintendent of Public Instruction.

This bill would specifically authorize the governing board of any school district which offers summer school instructional programs to also offer summer school programs for instruction in mathematics, science, or other core academic areas designated by the Superintendent of Public Instruction. This bill would authorize the governing board of a school district which offers those summer school programs to apply to the Superintendent of Public Instruction for grants to establish teacher training and staff development programs for teachers and prospective teachers in those programs.

(2) Existing law prescribes a method of determining state apportionments to school districts based generally on the computation of district revenue limits less property tax revenues received. District revenue limits are adjusted for various factors, including a prescribed inflation adjustment

This bill would revise the computation of the inflation adjustment for the 1984-85 fiscal year and thereafter

(3) This bill would appropriate, on July 1, 1984, in addition to all other funds appropriated, \$41,000,000† from the General Fund to Section A of the State School Fund for apportionment by the Superintendent of Public Instruction during the 1984-85 fiscal year for summer school funding. This bill would allocate \$38,000,000† of the funds for summer school programs for instruction in mathematics, science, or other core academic areas designated by the superintendent, and \$3,000,000† of the funds for summer school teacher training and staff development programs.

(4) This bill would take effect immediately as an urgency statute

Ch. 98 (SB 118) Lockyer. Household goods carriers.

(1) Under existing law, household goods carriers are subject to the jurisdiction and control of the Public Utilities Commission under the Household Goods Carriers Act.

This bill would prohibit any household goods carrier from denying any claim for lost or damaged goods solely because the loss or damage was not noted at the time of delivery and from including, in any statement required to be signed acknowledging delivery, any representation that the goods were delivered in satisfactory condition. It would also require that the statement acknowledging delivery include a notice that the shipper may file a claim with the carrier for lost or damaged goods.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement. Existing law makes any violation of the Household Goods Carriers Act a crime.

This bill would, by adding new provisions to that act, impose a state-mandated local program by creating a new crime.

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

† Appropriation in Section 4 of chapter reduced to \$37,225,000 by reducing appropriation of \$38,000,000 to \$37,225,000 and deleting appropriation of \$3,000,000 by action of the Governor.

Ch. 99 (AB 2330) Bane. Horseracing: racing weeks.

Existing law requires each racing week to have a minimum of 5 racing days, except that until January 1, 1984, the California Horse Racing Board could allocate racing weeks of less than 5 racing days to lessees of the California Exposition and State Fair if the association conducting the racing and the organization representing the horsemen agree to the allocation.

This bill would restore the exemption for racing weeks of less than 5 racing days to lessees of the California Exposition and State Fair. The bill would also authorize the board to allocate racing weeks of less than 5 racing days for the 21 days allocated to the 21st District Agricultural Association for racing by a person other than the association. The provisions of the bill would be repealed on January 1, 1986.

The bill would take effect immediately as an urgency statute.

Ch 100 (AB 2281) Hauser. Local government.

Existing law authorizes a city council to enact an ordinance to provide for salaries for city council members within specified dollar limitations.

This bill would change these dollar amounts, and would validate certain past and future payments of compensation to council members.

Ch. 101 (AB 1992) Tanner. Contests.

Existing law makes it unlawful for any person as a part of an advertising plan or scheme to notify a person that he or she has won a prize and as a condition of receiving the prize he or she must purchase or rent any goods or services.

This bill would include the receiving of a gift in that prohibition and would also prohibit, as a part of an advertising plan or program the offering of any prize, gift, money, or other item of value as an inducement to visit a location, attend a sales presentation, or contact a sales agent unless certain specified disclosures are made.

The bill would make it unlawful to offer an item as a prize or gift knowing that there is not a sufficient quantity of the prize or gift to meet an anticipated response and to fail to offer a raincheck or a substitute item when there is not a sufficient quantity of prizes or gifts and would require persons offering those prizes or gifts to maintain records, as specified.

Existing law prohibits various specified acts, practices or omissions by any person in the operation of any contest.

This bill would, in addition, prohibit representing that any particular person has won a prize unless there has been a real contest in which a majority of the participants have failed to win a prize and prohibits representing that any particular person has won a prize without disclosing the exact nature and value of the prize.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would mandate a new program or higher level of service on local government by creating new crimes.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234 for a specified reason.

Ch 102 (AB 894) Cortese Real property. subdivisions. merger

(1) Existing law prescribes procedures and criteria by which a city or county, pursuant to local ordinance, may effect the merger of 2 or more contiguous parcels of land held by the same owner, and unmerges previously merged parcels for which a notice of merger had not been recorded, if the parcel meets specified criteria.

This bill would revise those procedures and criteria.

(2) Various provisions of existing law relating to merger of parcels, as enacted by Chapter 845 of the Statutes of 1983, do not become operative until July 1, 1984.

This bill would delete the delayed operative date of those provisions.

(3) Existing law requires cities and counties to give specified notices for the purpose of informing the owners of contiguous parcels of land that the parcels may have merged, and prescribes procedures whereby the property owner may request a determination by the local agency that the parcels are merged or that the parcels, meeting specified

criteria, are unmerged.

This bill would delete those notice requirements and would, instead, render void any merger of parcels resulting from a local agency's failure to comply with the requirements of existing law, as amended by this bill, for effecting a merger, and would render voidable any merger resulting from a local agency's failure to comply with any prior law establishing requirements for the merger of contiguous parcels. The bill would provide for a determination by a city or county that parcels meeting specified criteria are deemed not to have merged.

(4) The bill would state the Legislature's intent regarding certain of its provisions.

By revising the existing procedures and criteria pursuant to which commonly-owned contiguous parcels may be merged by cities and counties, the bill would impose a state-mandated local program.

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(6) The bill would take effect immediately as an urgency statute.

Ch. 103 (AB 796) Stirling. Limited partnerships

Under existing provisions relating to limited partnerships, which will become operative on July 1, 1984, the rights and duties of limited partners and general partners are delineated and provision is made for service of process on foreign partnerships.

This bill, among other things, would clarify various definitions which apply to limited partnerships, revise provisions relating to the names of limited partnerships, clarify provisions relating to filing certain certificates under the limited partnership laws, and clarify the rights of limited partners upon withdrawal, as specified. The bill would also revise provisions requiring foreign partnerships to file a designation of an agent for service of process to delete a duplicate filing requirement applicable to foreign limited partnerships. The bill would make other technical changes.

Existing law imposes various filing and related requirements on persons doing business under fictitious business names.

This bill would provide that, for a limited partnership, a fictitious business name means any name other than the name of the limited partnership on file with the Secretary of State.

This bill would take effect immediately, but would become operative on July 1, 1984, except as otherwise provided.

Ch. 104 (AB 484) Isenberg. Reclamation districts

(1) Under existing law, valuation assessment commissioners may be appointed to prepare, in accordance with prescribed procedures, an operation and maintenance assessment roll to be used by a reclamation district as a basis for levying assessments for the maintenance, repair, and operation of district reclamation works.

This bill would authorize the commissioners, in preparation of the operation and maintenance assessment roll, to establish a base value per acre for each parcel of land according to the land use category for the parcel reflected on the records of the county assessor, which may be adjusted to reflect the benefits derived by the parcel from continuance in operation of the district reclamation works in accordance with the benefit formula adopted by the commissioners. The bill would authorize the district to adjust, in accordance with prescribed procedures, not more often than annually, the assessment valuations for each parcel to reflect changes in the land use category shown for that parcel on the records of the county assessor.

(2) Under existing law, when any parcel located in a reclamation district upon which a district assessment has been levied is divided or subdivided, as specified, the board of directors, upon written application of the landowners, may reapportion the assessment upon the parcels in accordance with prescribed procedures.

This bill would authorize the district to reapportion the assessment if no application for reapportionment is received, in accordance with prescribed procedures and subject

to specified requirements.

Ch. 105 (AB 2356) Kelley. Farm Products Trust Fund.

Existing law provides for the Farm Products Trust Fund to pay for farm products grown or produced in this state which have not otherwise been paid for after being received by a licensed farm products processor or a licensed produce dealer. In no case may the total paid to all the claimants from the fund exceed \$50,000 against any one licensee for any one license period.

This bill would make the following changes in the law regarding the fund:

- (1) Specify the methods by which claims may be made against the fund.
- (2) Require that the amount of the indebtedness owed to a producer be fully substantiated and verified by the Director of Food and Agriculture.
- (3) Prohibit claims against the fund by a claimant on transactions made with a licensee after a complaint has been filed against that licensee by the claimant until the complaint is resolved. A transaction would include a contract which provides for multiple deliveries.
- (4) Delete the limitation that claims may only be paid against a licensee for any one license period.

Ch. 106 (AB 3522) Costa. Commercial salmon vessel permits

(1) Under existing law, a commercial salmon vessel permit is required to be issued by the Department of Fish and Game to specified persons in the fishery prior to August 11, 1982, or to natural persons seeking to enter the fishery under specified conditions.

This bill would, until January 1, 1985, add to those natural persons who seek to enter the fishery under those provisions, persons who had filed an appeal with the former Commercial Salmon Fishing Appeals Board under specified conditions.

(2) Under existing law, commercial salmon vessel permits are required to be renewed annually by May 1. The fee is established by the Department of Fish and Game to cover specified costs, and an additional fee of \$100 is imposed on commercial salmon vessel permit applications or renewal applications received after April 1 and on or before May 1 commencing in 1984.

This bill would make the \$100 additional fee applicable beginning April 1, 1985, and would delete obsolete provisions with respect to 1983.

(3) The bill would take effect immediately as an urgency statute.

Ch. 107 (AB 1614) N Waters. Mono Lake water levels study.

Under existing law, there are no provisions expressly providing for a scientific study of the effects of water diversions on the Mono Lake ecosystem.

This bill would authorize the Department of Fish and Game to contract with the University of California and other public and private institutions or individuals for purposes of such a study and to evaluate specified related matters. The bill would require the department to submit the scientific results of the study to the Legislature by December 31, 1987, and would specify related matters.

The bill would appropriate \$250,000 to the department from the California Environmental License Plate Fund for purposes of the study and would revert any unencumbered funds of that appropriation to the fund on December 31, 1987. This bill would also prohibit any of those funds from being encumbered for any costs incurred by the department in administering this bill.

The bill would have no force or effect on or after January 1, 1988.

Ch. 108 (SB 1200) Garamendi. Public buildings.

(1) Existing law prohibits the Regents of the University of California from entering into a lease-purchase agreement with another entity, public or private, which involves building space, unless the agreement is reviewed and approved by the Legislature by statute.

This bill would repeal these provisions.

(2) Existing law authorizes the State Public Works Board, among other things, to acquire and construct public buildings, charge and collect rentals for the use of public buildings, and issue certificates or revenue bonds to obtain funds to pay the costs of public buildings.

This bill would authorize the board, in addition, to finance the cost of acquiring and constructing public buildings by the issuance of negotiable notes or negotiable bond anticipation notes

This bill would specify that the board may authorize the preparation of bid proposals and the securing of bids for the construction of projects prior to obtaining interim financing. This bill would specify, however, that no contracts shall be executed until interim financing is available.

This bill would exempt from those provisions any public building constructed for lease-purchase to the Regents of the University of California, the Trustees of the California State University, the Board of Governors of the California Maritime Academy, or any community college district by the board pursuant to specified provisions of existing law.

(3) Existing law provides for the construction of high technology educational and research facilities in public universities by the State Public Works Board utilizing lease or lease-purchase arrangements.

This bill would state the legislative intent that preliminary plans for each project shall be made available for legislative review prior to the authorization of funding for the costs of public buildings.

(4) Existing law authorizes the construction of the Food and Agricultural Sciences Building on the campus of the University of California at Davis and appropriates in the Budget Act of 1983, \$42,397,000 [to the Regents of the University of California]* to finance this construction, as specified

This bill would make an appropriation by ~~authorizing~~ [appropriating the funds to the Public Works Board, rather than to the regents, and would authorize]* the use of ~~revenue bonds and~~* negotiable notes or negotiable bond anticipation notes [, in addition to revenue bonds,]* to finance this construction

This bill would provide for a reasonably required reserve fund, as specified, during the construction of the above Food and Agricultural Sciences Building on the campus of the University of California at Davis.

(5) This bill would take effect immediately as an urgency statute

Ch. 109 (SB 1292) Presley Custody of children.

Existing law provides that where the parties to a proceeding to void or dissolve a marriage do not have an agreement, understanding, or stipulation with respect to custody or temporary custody of their child or children, the court, if jurisdiction is appropriate, may enter an ex parte order, set a hearing date within 20 days, and issue an order to show cause on the responding party.

This bill would provide that if, despite good faith efforts, service of the ex parte order and order to show cause has not been effected in a timely fashion, and there is reason to believe, based on an affidavit, or other manner of proof made under penalty of perjury, by the petitioner, that the responding party has possession of the minor child or children and seeks to avoid the jurisdiction of the court or is concealing the whereabouts of the child or children, the hearing date may be reset and the ex parte order extended to a maximum of an additional 90 days

Ch 110 (AB 1381) Elder Public retirement systems

(1) The Legislator's Retirement Law: (a) requires annual adjustments in monthly allowances based upon changes in living costs; and (b) provides that effective January 1, 1978, the basis for determining changes in the cost of living shall be the average of the separate indices of the "Consumer Price Index for All Urban Consumers" for the Los Angeles-Long Beach-Anaheim area and the San Francisco-Oakland area, as published by the United States Bureau of Labor Statistics

This bill would require that, effective January 1, 1985, the basis for determining changes in the cost of living shall be the United States city average of the "Consumer Price Index for All Urban Consumers," as published by the United States Bureau of Labor Statistics

(2) The Public Employees' Retirement Law: (a) requires annual adjustments in monthly allowances, as specified, based upon changes in living costs; and (b) provides that effective January 1, 1978, the basis for determining changes in the cost of living shall be the average of the separate indices of the "Consumer Price Index for All Urban Consumers" for the Los Angeles-Long Beach-Anaheim area and the San Francisco-

Oakland area as published by the United States Bureau of Labor Statistics, and that for the period prior to January 1, 1978, the average of the separate indices for the Los Angeles-Long Beach area and the San Francisco-Oakland area shall be used.

This bill would repeal item (2) (b) above and, instead, provide that, effective January 1, 1978, that basis for determining changes in the cost of living shall be the United States city average "Consumer Price Index for All Urban Consumers" and that for any period prior to January 1, 1978, the United States city average consumer price index shall be used.

(3) The existing Public Employees' Retirement Law (PERL). (a) confers administrative control over the Public Employees' Retirement System upon the Board of Administration, the membership of which was increased from 11 to 13 in 1983, by adding as members, a person representing the public and appointed jointly by the Speaker of the Assembly and the Senate Rules Committee and a person who is a member of the system and is elected by the membership of the system; (b) provides compensation of \$100 per day for each board or committee meeting for specified members of the board, (c) provides for the filling of appointive vacancies, (d) authorizes certain elected members to hold office until the end of their terms, notwithstanding any other provision of the PERL; (e) designates a quorum of the board to be 6 members of the board, and (f) requires an affirmative vote of at least 6 members of the board to make investments, to sell specified securities, obligations, and real property, and to adopt an investment resolution, as specified.

This bill would: (A) make items 3(b) and 3(c) above also applicable to the new legislatively appointed member, (B) make item 3(d) above applicable to each elected member; (C) increase to 7, both the quorum in item 3(e) above and the minimum vote requirement in item 3(f) above; and (D) make related, technical, and conforming changes.

(4) This bill would take effect immediately as an urgency statute

Ch 111 (SB 548) Carpenter. Hazardous Substance Account: tax

Under existing law, a tax is imposed on each ton, or fraction thereof, of specified hazardous waste and material which is disposed of in this state. The taxes are deposited in the Hazardous Substance Account for the purpose, generally, of paying for removal and remedial actions as to hazardous substance releases. Existing law exempts from that tax, and from other specified recordkeeping requirements, the hazardous wastes collected by local health officers or county agricultural commissioners which result from specified voluntary programs and the hazardous wastes which are generated or disposed of by local vector control agencies or by county agricultural commissioners.

This bill would additionally exempt from this tax and the recordkeeping requirements hazardous waste disposed of, or submitted for disposal, if the hazardous waste was located on the property of a landowner who did not produce, generate, or deposit the hazardous waste on that property, the hazardous waste was removed and disposed of before September 25, 1981, in a specified manner, and the purpose of the removal was to develop a housing project, 15% of the units of which are affordable to low- and moderate-income families.

The bill would make a statement of legislative intent concerning the public purpose served by these provisions.

The bill would take effect immediately as an urgency statute.

Ch. 112 (SB 1364) Presley. Marriage license fees.

Existing law authorizes the collection of a fee in addition to the basic fee for the issuance of a marriage license and for the filing of a certificate of marriage by those persons who get married without a license, in the amount of \$13, for funding of domestic violence centers, as specified.

This bill would increase the fee authorized to be collected for domestic violence centers to \$19 thereby ~~imposing~~ [increasing the rate of] * a new* state tax within the meaning of Section 3 of Article XIII A of the California Constitution

Ch. 113 (AB 2252) Hauser. Public officers: conflicts of interest

Existing law prohibits various public officers and employees from being financially interested in any contract made by them in their official capacity, or by any board of

which they are members. Existing law prescribes that an officer shall not be deemed to be interested in a contract entered into by a body or board of which such person is a member, if the officer has only a remote interest in the contract, as defined, and other conditions are satisfied.

This bill would include within the definition of remote interest the interest of an officer or employee of a nonprofit corporation, except as specified. This bill would also include within this definition the interest of an owner, officer, employee, or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract.

This bill would take immediate effect as an urgency statute

Ch 114 (AB 1399) Floyd. Workers' compensation.

Existing law provides that whenever any specified public safety officer is disabled by injury or illness arising out of and in the course of employment, he or she shall become entitled to a leave of absence while so disabled without loss of salary in lieu of workers' compensation temporary disability payments for the period of the disability, but not more than one year.

Existing law provides that in the case of active volunteer or paid firefighting members of state and local fire departments, an injury under the workers' compensation law includes cancer which develops or manifests itself during the period of the specified employment, provided the member demonstrates exposure during the employment to a known carcinogen, as defined, which is reasonably linked to the disabling cancer.

Existing law also contains other provisions relating to workers' compensation for firefighters.

This bill would make technical nonsubstantive changes to the above provisions.

Ch. 115 (AB 2337) W Brown. Transportation. San Francisco Bay area local support.

(1) Under the San Francisco Bay Area Rapid Transit District Act, no portion of the $\frac{1}{8}\%$ transactions and use tax imposed by the San Francisco Bay Area Rapid Transit District may be allocated to that district, the City and County of San Francisco, or the Alameda-Contra Costa Transit District, unless it establishes fare levels that generate revenues equal to at least 33% of its transit operating costs, as determined by the Metropolitan Transportation Commission.

This bill would authorize the commission, on and after July 1, 1984, in making its determination of whether the 33% level is reached, to consider as fare revenues an increase in local support by a transit operator over the support provided in the operator's base level of operating support, as specified.

(2) This bill would delete an obsolete reporting requirement for the commission and would impose a state-mandated local program by requiring the commission to develop and annually revise a financial management plan, in coordination with the 3 transit operators, in order to allocate 25% of the $\frac{1}{8}\%$ transactions and use tax for transit services.

(3) Under the Mills-Alquist-Deddeh Act, in order to receive money allocated from local transportation funds, operators that are not subject to a specified 50% requirement are required to maintain specified ratios of fare revenues to operating costs according to whether they serve urbanized areas or nonurbanized areas. The act requires an operator who does not meet the specified ratio to increase its fare revenues and ratio, and to maintain that increased ratio, in order to be eligible for allocations.

This bill would authorize a transportation planning agency to waive the ratio requirements if the operator sustained 2 separate work stoppages for 15 days or longer due to labor disputes and at least one of the work stoppages was not related to a labor dispute with the operator, if the waiver is necessary to enable the operator to provide vital public transportation services.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(5) The bill would take effect immediately as an urgency statute.

Ch. 116 (AB 88) Young. Rail passenger services.

(1) Under existing law, during the planning and development of any proposed commuter rail service, the Department of Transportation is required to consult with the county transportation commission and the transportation planning agency affected by the proposal, except for services approved for operation by the Public Utilities Commission (PUC) prior to January 1, 1982

This bill would delete the PUC approval exception to the requirement that the department consult with the local agencies, as specified, when planning and developing a commuter rail service.

(2) Existing law authorizes the department, among other things, to construct, acquire, or lease and improve and operate rail passenger terminals and related facilities which provide intermodal passenger service along specified transit corridors. It provides that state funds for the construction of new stations at certain locations and the added operating costs of state-supported trains may not be expended except in accordance with specified priorities.

This bill would repeal the requirement that the expenditure of state funds for those purposes be based on the specified priorities.

Ch. 117 (AB 690) Isenberg. Transportation funding.

Existing law requires the Department of Transportation to advance funds to a metropolitan transit development board for a guideway project when specified conditions exist. Existing law also requires that, if, upon completion of the project, the advance, together with specified interest on the advance, exceeds that portion of the actual reimbursable costs for which the metropolitan transit development board has not been reimbursed, the metropolitan transit development board repay the excess to the state for deposit in the account from which the advance was made.

This bill would make these provisions applicable to any public entity that meets the specified conditions. The bill would also require the department to submit a specified report to the Legislature if the department encounters any substantial problems in carrying out the funding advance program.

Ch. 118 (AB 1252) Calderon. Attorney collection agencies.

Existing law exempts members of the State Bar of California from the definition of collection agencies, for purposes of regulation under the Collection Agency Act, unless they are conducting collection agencies.

This bill would require attorneys and their employees who assist in the collection of a consumer debt to comply with specified requirements relating to the collection of a consumer debt and would specify that a willful breach of those requirements constitutes cause for discipline of the attorney by the State Bar.

Ch. 119 (AB 2335) Vicencia. Alcoholic beverages.

Existing law prohibits the delivery of alcoholic beverages on Sunday and except between the hours of 6 a.m. and 8 p.m. on any day other than Sunday.

This bill would authorize the delivery of alcoholic beverages at any time of day during the period of July 18, 1984 to August 18, 1984, in a specified area of Los Angeles County and in the City of Anaheim.

This bill would take effect immediately as an urgency statute.

Ch. 120 (SB 1092) Hart. Habilitation Services Program

Under existing law, the Habilitation Services Program provides work training habilitation services to specified developmentally disabled persons.

This bill would appropriate the sum of \$3,300,000 to the Department of Rehabilitation for the Habilitation Services Program in order to provide funding to meet specified funding deficiencies.

The bill would provide, however, that the department may not expend more than \$1,100,000 of the funds appropriated under the bill and that no expenditure of these funds may be made after June 30, 1984, unless AB 1569 is enacted by the Legislature.

during the 1983-84 Regular Session and is signed by the Governor.

This bill would take effect immediately as an urgency statute.

Ch 121 (SB 1377) Johnson. Vehicles: hazard warning

Existing law regulates the use of flashing lights for vehicles. A vehicle may display a hazard warning, as specified, by flashing turn signals on both sides of the vehicle simultaneously.

This bill would authorize flashing the hazard warning in a repeating series of short and long flashes when the driver is in need of help.

Ch. 122 (AB 2529) N. Waters. Agricultural inspection stations.

Existing law requires the Director of Food and Agriculture to maintain plant quarantine inspection stations at any place within the state that he or she deems necessary to prevent the introduction or spread of agricultural pests.

This bill would appropriate \$155,000 first from the Resources Account in the Energy and Resources Fund, and, if the total funds necessary are not available in that account, then from the Energy Account in that fund, to the Department of Transportation to prepare working drawings and a federally required environmental document and to acquire property for a new station at Hornbrook. The project would be exempt from the California Environmental Quality Act for a specified reason.

The bill would take effect immediately as an urgency statute.

Ch. 123 (SB 253) Foran. Vehicles: fees and penalties

(1) Under existing law, the Department of Motor Vehicles deducts the cost of collecting commercial vehicle weight fees prior to remitting the money on a monthly basis to the Treasurer for deposit in the State Highway Account in the State Transportation Fund.

This bill would delete the existing authorization for the department to withhold that collection cost and would instead require the Controller to make transfers equal to these costs from the State Highway Account to the Motor Vehicle Account in the State Transportation Fund.

(2) Under existing law, the penalties collected by the department for the late registration of vehicles are allocated to the Motor Vehicle Account and the State Highway Account in the State Transportation Fund, and the Motor Vehicle License Fee Account in the Transportation Tax Fund, in the ratio that all the fees and penalties for the registration of vehicles were deposited in these accounts during the prior fiscal year.

This bill would require the penalties for the late registration of a vehicle to be allocated to these accounts on the basis of the fees imposed for the registration of the vehicle.

Ch. 124 (SB 1351) Beverly. School funds: investment of surplus funds

Existing law specifies the permissible investments that may be made of surplus school district funds. Existing law also specifies the permissible investments that may be made of surplus funds of other local agencies.

This bill would authorize school districts, county superintendents of schools, and county boards of education to make the same investments of surplus funds as are prescribed for other local agencies.

Ch 125 (AB 2217) Baker. Local agencies

Existing law requires a resolution adopted pursuant to the Municipal Organization Act for a city incorporation, change of organization, as defined, or for a municipal reorganization, as defined, subject to confirmation by the voters, to contain certain provisions, including a designation of precincts and polling places.

This bill would make this requirement permissive.

Ch 126 (AB 2340) Lancaster. Driver's license: suspension: failure to pay judgment.

Existing law, with certain exceptions, requires the Department of Motor Vehicles to suspend the driving privileges of any person who is reported to the department to have failed for 30 days to satisfy a judgment of a court of any state or the United States for property damage over \$500 or for bodily injury or death resulting from the person's operation of a motor vehicle on a highway.

This bill would specifically provide that the suspension be imposed only in the case in which the judgment arises from the operation of a motor vehicle on a highway in this state.

Ch. 127 (AB 2429) O'Connell. Schoolbuses: backup warning.

Existing law authorizes simultaneous flashing of the turn signals on both sides of a vehicle as a warning (1) to indicate a disabled or parked vehicle on a roadway or within 10 feet thereof and (2) to warn motorists of an accident or hazard on a roadway while the vehicle is approaching, overtaking, or passing the accident or hazard.

This bill would authorize the operator of a schoolbus to use that signal to warn motorists or pedestrians on a roadway during a backing maneuver.

Ch 128 (AB 2462) Clute. Vehicles: carrying of minors

Existing law prohibits any person driving a motortruck from transporting any minor under the age of 12 years in the back of the motortruck on a highway in a space intended for any load on the vehicle unless the space is enclosed, as specified, the vehicle has installed means of preventing the discharging of the minor, or the minor is secured to the vehicle in a manner which will prevent the minor from being thrown, falling, or jumping from the vehicle. Existing law exempts from that prohibition the transportation of a minor under the age of 12 years in the back of the motortruck when the minor is accompanied by an adult in the back of the motortruck.

This bill would specify that the adult, for purposes of the above exception, is a person over the age of 18 years. The bill would also make technical, nonsubstantive changes.

Ch. 129 (AB 2658) O'Connell Vehicles: fire lanes.

Existing law, with specified exceptions, makes it an infraction to stop, park, or leave standing any vehicle in a place designated as a fire lane by the fire department or fire district with jurisdiction over the area in which the place is located. Existing law specifies 3 alternative methods for marking fire lanes.

This bill would make technical, clarifying changes and would find these changes to be declaratory of existing law.

The bill would take effect immediately as an urgency statute.

Ch. 130 (AB 2813) Killea. San Diego Metropolitan Transit Development Board.

Under existing law, the San Diego Metropolitan Transit Development Board is authorized, at any time after the first segment of an areawide guideway system enters revenue service, to assume the operation of the San Diego Transit Corporation.

This bill would delete that restriction on the authority of the board to assume the operation of the San Diego Transit Corporation.

Ch 131 (AB 2919) Alatorre. Alcoholic beverages.

Existing law authorizes any trade association having as members licensed beer manufacturers, as specified, to maintain an action to enjoin the continuance of any act in violation of specified provisions relating to beer price posting and marketing.

This bill would authorize, in addition, any trade association having as members licensed distilled spirits or beer wholesalers to maintain an action, as specified above, and would authorize any trade association consisting of distilled spirits or beer manufacturers or wholesalers to intervene in any proceeding, as specified, involving the validity of any portion of the Alcoholic Beverage Control Act or any rule adopted pursuant thereto.

The bill would take effect immediately as an urgency statute.

Ch. 132 (SB 1308) Johnson. Transportation: Lake Tahoe Region.

Existing law, contained in the bistate Tahoe Regional Planning Compact, among other things, establishes the Tahoe transportation district and prescribes the powers of the district, including the power to issue revenue bonds and other evidence of indebtedness, and to levy a tax upon approval by voters of the district. The compact states that the tax may not be graduated in any way and prohibits a tax measured by gross or net receipts on business.

This bill would, in addition, authorize the district to make other financial arrangements appropriate for developing and operating a public transportation system. The bill would also authorize the district to impose a sales and use tax, as specified.

The bill would take effect immediately as an urgency statute.

Ch. 133 (AB 2446) Frazee. County, county service area, and county waterworks district fees.

Existing law provides that, notwithstanding any other provision of law which prescribes or limits the amount of a fee or charge which may be levied by a county, a county service area, or a county waterworks district governed by a county board of supervisors, the county board of supervisors may, after giving notice and conducting a public hearing, increase or decrease any fee or charge, with certain specified exceptions, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied. Existing law also requires that any action by a board of supervisors to levy a new fee or charge or to approve an increase in an existing fee or charge be taken only by ordinance.

This bill would limit the fees or charges which may be increased or decreased by the county board of supervisors under the above described provisions to those fees or charges for which an existing provision of law prescribes or otherwise limits the amount and would also require that only actions to increase or decrease those fees or charges need be taken by ordinance after notice and public hearing.

This bill would take effect immediately as an urgency statute.

Ch. 134 (AB 2382) Naylor. School districts: budgets.

Existing law requires the governing board of each school district to hold a public hearing on the proposed budget for the ensuing fiscal year in a schoolhouse of the district, or some other place conveniently accessible to the residents of the district, any day prior to the end of the first week of September, at which any resident of the district may appear and object to the proposed budget or any item in the budget.

Existing law requires the proposed district budget to be made available by the district for public inspection in a schoolhouse of the district or in some other place conveniently accessible to residents of the district, during the last week in August.

Existing law requires the county superintendent of schools to publish notification of the dates and location or locations at which the proposed budget may be inspected by the public and the date, time, and location of the public hearing in a newspaper, as prescribed, at least 3 days prior to the last week in August.

This bill would require the school district governing board to hold the public hearing on the proposed budget in a district facility any day during or before the first week in September but at least 3 days following availability of the proposed budget for public inspection.

This bill would require the proposed budget to be made available for public inspection in a facility of the district during or before the last week in August.

This bill would require the county superintendent of schools to publish notice of the public hearing and the inspection of the proposed budget at least 3 days prior to the availability of the proposed budget for public inspection.

Ch. 135 (AB 1569) Wyman. Developmental disabilities

(1) The Lanterman Developmental Disabilities Services Act provides a statutory framework pursuant to which the state provides certain services to persons with developmental disabilities.

The bill would prohibit the State Department of Developmental Disabilities from expending funds, and a regional center from expending funds allocated to it by the department, for the purchase of any service outside the state unless the Director of Developmental Services or the director's designee review and approve a plan for the service in the client's individual program plan and make certain determinations. The bill would also prohibit the use of these funds for the costs of interstate travel or transportation in the purchase of any services outside the state unless authorized by the director or the director's designee.

(2) After initially purchasing needed services for the developmentally disabled, existing law requires regional centers to renew its contracts or purchases on the basis of a vendor's success in achieving the objectives set forth in the individual program plan.

This bill would, instead, provide that regional centers consider, in addition to other requirements in existing law, the unit cost of providing services of comparable quality

by different vendors and a vendor's success in achieving the objectives in the individual program plan when initiating or renewing contracts for services.

(3) Existing law defines a schoolbus as any motor vehicle designed, used, or maintained for the transportation of any school pupil at or below the 12th-grade level to or from public or private school activities, with certain exceptions

This bill would include in these exceptions a state-owned motor vehicle which is operated by a state employee upon driveways, paths, parking facilities, or specified grounds that are under the control of a state hospital under the jurisdiction of the State Department of Developmental Services where the posted speed limit is not more than 20 miles per hour, and on certain public streets or highways running through the grounds of a state hospital under the jurisdiction of the State Department of Developmental Services.

(4) Under existing law, habilitation services are required to be provided by the Department of Rehabilitation for adults with developmental disabilities, as defined.

This bill would further define this term.

(5) Existing law provides that a person shall be deemed eligible to participate in a work-activity program, utilizing funds appropriated to the State Department of Rehabilitation, when the department verifies that the individual meets specified eligibility criteria.

This bill would provide that when the department determines that these criteria have been met, the individual shall be deemed to be presumptively eligible for a period of not to exceed 90 days, and shall be placed in a work-activity program

The bill provides that during this 90-day period the work-activity program provider shall evaluate the client's performance and that a habilitation team, which consists of a regional center caseworker, the work-activity program case-responsible person, a habilitation specialist designated by the department, the client, and where appropriate, the client's parent, legal guardian, or conservator, shall determine the individual's initial eligibility, and if the client is determined to be eligible, shall make decisions concerning continued eligibility. When the habilitation specialist disagrees with the habilitation team, he or she makes the final decision.

(6) Existing law provides that the department shall be responsible for the development of an individual habilitation component for each work-activity program client.

The bill provides that upon an initial determination by the team that the client is eligible, the team shall develop the individual habilitation component for the client

The bill provides that the client may appeal to the department any decision of the team or the specialist, and that the client's level of services shall not be reduced pending the outcome of the appeal unless an eligibility determination is under appeal, the client has previously been in a day program paid for by a regional center or provided by a state hospital, and the client is able to be returned to that program.

The bill establishes a system whereby individuals meeting specified criteria shall be referred to the habilitation team, who shall determine whether these clients should be recommended to the department for consideration for vocational rehabilitation services

The bill provides that the department shall meet with, at a minimum, specified organizations on a bimonthly basis in order to review and receive recommendations on issues concerning the provision of habilitation services.

This bill would also declare the intent of the Legislature that the department provide evaluation and audit of habilitation services

The bill requires the department to submit certain reports to the Legislature and the Governor concerning changes in the costs of providing habilitation services, and the needs for funds beyond those appropriated for these services in the Budget Act

(6.5) Existing law provides that habilitation services shall continue as long as progress is being made toward achieving objectives of the individual program plan and as long as these services are determined jointly by the regional center case manager and the habilitation specialist to be necessary to maintain the current level of functioning of the person.

This bill would instead provide that habilitation services shall continue as long as reasonable progress is being made toward achieving objectives of the individual program plan or as long as these services are determined by the habilitation team to be necessary to maintain the current level of functioning of the person.

(7) Under existing law, the department is required to annually establish reasonable costs for habilitation services.

The bill provides that commencing with the 1984-85 fiscal year, the department shall establish a rate for each work-activity provider which shall be the sum of the rate which that provider would receive under existing provisions of law, plus a percentage increase based upon the ratio which \$1,800,000 bears to the amount which shall be provided for these services in the 1984-85 Budget Act, except that the approved rate shall not be less than 85% of the rate paid in the 1983-84 fiscal years. This rate would be the work-activity provider's rate through the 1987-88 fiscal year, subject to increases provided for by law.

The bill would appropriate the sum of \$1,800,000 from the General Fund to the department for the provision of habilitation services during the 1984-85 fiscal year.

(8) The bill would provide that the provisions of the bill concerning habilitation services shall become operative on July 1, 1984, except that these provisions would only be effective if SB 1092 is enacted during the 1983-84 Regular Session.

This bill would make various provisions relating to habilitation services inoperative on July 1, 1988, and would repeal them as of January 1, 1989.

(9) This bill would make various technical, nonsubstantive changes in current law.

(10) This bill would take effect immediately as an urgency statute.

Ch. 136 (SB 2116) Russell. County Employees Retirement Law of 1937 death benefits.

Provisions of the County Employees Retirement Law of 1937 which were enacted in 1983: (1) authorize counties to adopt, by resolution, certain alternative financial provisions relating to, among other things, a Supplemental Retiree Benefits Reserve; (2) authorize any board which has determined that a death benefit payable upon the death of a retiree to a designated beneficiary or his or her estate may be financed from surplus retirement fund earnings and has thereupon provided such a death benefit of \$750, to raise the amount of the death benefit to \$1000.

This bill would amend item (2) above to provide that, in any county which elects the alternative financial provisions specified in item (1) above and which elects to increase the death benefit as specified in item (2) above, the death benefits shall be paid, instead, from the Supplemental Retiree Benefits Reserve.

Ch. 137 (AB 1916) Elder Workers' compensation. claims.

Existing law requires that an employer provide workers' compensation medical benefits to an employee who is injured in the scope of employment.

This bill would prohibit a workers' compensation insurer, self-insured employer, or their agents, from refusing to pay pharmacy benefits solely because the claim form utilized is reproduced by the person providing the pharmacy benefits, if the reproduced form is an exact copy of that used by the insurer, self-insurer, or agent.

Ch. 138 (SB 1330) Beverly. Parking violations. lien sale.

Existing law authorizes the Department of Motor Vehicles to seize and sell a vehicle for, among other things, unpaid bail for offenses relating to standing or parked vehicles, where the vehicle's registration has expired and has not been renewed. Existing law also authorizes counties and cities to impound vehicles not currently registered in California that have been issued 5 or more notices of parking violation over a period of 5 or more days to which the owner or person in control of the vehicle has not responded. After such a vehicle has been impounded for a specified length of time, it may be sold to recover towing and storage charges. However, in the event of such a lien sale, there is no authorization to apply the proceeds of the sale to paying the outstanding bail for the parking violations.

This bill would enact such an authorization and would establish a possessory lien for the bail, as specified.

Ch. 139 (AB 943) Baker. Industrial loan companies. sale.

Under existing law, it is the purpose of the Thrift Guaranty Corporation of California to guarantee full payment of thrift obligations of specified industrial loan companies, up to specified amounts. Existing law does not expressly permit the Guaranty Corporation to assume obligations, enter into contracts, incur liabilities, lend money, or secure any

of its obligations, contracts, or liabilities by mortgage, pledge, or other encumbrances of all or any part of its property or income.

This bill would permit the Guaranty Corporation to engage in these specified activities, provided written consent is obtained from the Commissioner of Corporations

The bill would take effect immediately as an urgency statute.

Ch. 140 (AB 4029) Lancaster. Alcoholic beverages: La Verne College.

Existing law, with specified exception, prohibits, as a misdemeanor, the sale of certain alcoholic beverages within one mile of La Verne College, as well as certain other named educational institutions.

This bill would remove La Verne College from that prohibition.

The bill would also take effect immediately as an urgency statute

Ch 141 (AB 3025) Cortese. Public construction contracts mass transit guideways. Santa Clara County.

Existing law prohibits, with respect to competitively bid local public agency building or construction contracts, certain practices relating to insurance or surety requirements.

Existing law exempts from these prohibitions the construction of any exclusive public mass transit guideway project in any county with a population exceeding 6,000,000.

This bill would add the County of Santa Clara to this exemption

This bill would take effect immediately as an urgency statute.

Ch 142 (AB 2104) Clute. Carriers

(1) Under existing law, the operations of public utilities, including passenger stage corporations, are subject to the jurisdiction, control, and regulation of the Public Utilities Commission

This bill would redefine passenger stage corporations to exclude intrastate operations conducted pursuant to federal operating authority to the extent that regulation of these operations by the commission is preempted by the federal Bus Regulatory Reform Act of 1982.

The bill would require the commission to issue a certificate of public convenience and necessity for passenger stage operations to every passenger stage corporation conducting intrastate passenger transportation services conducted pursuant to federal authority, the state regulation of which is not preempted by the federal act. The bill would authorize the commission to attach to the certificate conditions and limitations consistent with federal law and regulation.

(2) Existing law authorizes the commission to establish rates and charges for passenger stage corporations.

This bill would permit the commission to establish a "zone of rate freedom" for passenger stage transportation service whenever it finds that competitive conditions will result in reasonable rates and charges, and allow rate adjustments within the zone, as specified. The bill would permit the commission to authorize a passenger stage corporation on one day's notice to reduce its rates and charges to not less than those of a competing passenger transportation service operating over substantially the same route pursuant to federal operating authority. The bill would direct the commission to institute accident liability protection requirements for passenger stage corporations and, pursuant to other provisions, for charter-party carriers of passengers as well, which are not less than the requirements applicable to the operations of carriers subject to the federal Bus Regulatory Reform Act of 1982

(3) Existing law requires all highway permit carriers to obtain permits from the commission, and generally regulates the operations of these carriers.

This bill would exempt from these provisions [those services]* providing pickup and delivery of express packages, newspapers, or mail in a commercial zone, as defined, if the shipment has had or will have a prior or subsequent movement by a passenger stage corporation.

(4) Under existing law, carriers using only vehicles under 15-passenger seating capacity and under 20 feet in length may operate pursuant to a charter-party carrier permit issued by the commission, and these carriers may not charge for transportation on an individual-fare basis

This bill would allow the use of 15-passenger vehicles under 25 feet in length under

these permits, and would allow carriers conducting round trip sightseeing tour services under charter-party carrier permit to charge on an individual-fare basis

(5) The bill would require the commission to report to the Legislature those other activities of the commission which will be curtailed or eliminated in order to provide the resources necessary to accomplish the purposes of the bill.

Ch. 143 (AB 2523) Wright Local government: development agreements.

Existing law authorizes any city, county, or city and county to enter into a development agreement, as defined, with any person having a legal or equitable interest in real property for the development of the property. Existing law contains provisions specifying what is required to be included and may be included in a development agreement. Existing law also contains legislative findings and declarations regarding the policies to be effectuated by these agreements.

This bill would provide that a development agreement may also include terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time. It would also make certain findings and declarations in this regard.

Ch. 144 (SB 1634) Keene Maintenance of the codes

Existing law directs the Legislative Counsel to advise the Legislature from time to time as to legislation necessary to maintain the codes and legislation necessary to codify such statutes as are enacted from time to time subsequent to the enactment of the codes.

This bill would restate existing provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature for consideration during 1984, and would not make any substantive change in the law

Ch 145 (SB 1545) Boatwright. Civil procedure: change of venue.

Existing law provides that when an order is made by the superior court granting or denying a motion to change the place of trial, the party aggrieved may petition the court of appeal for a writ of mandate within 10 days after service of the order, or within such additional time not exceeding 20 days as the court may within the original 10 days allow.

This bill would instead permit the party aggrieved to petition within 30 days after service of the order

Ch. 146 (AB 1051) Bader Public entity property acquisition: relocation assistance

Under certain conditions, existing law provides for the payment of relocation assistance, and imposes other conditions upon acquisition of privately owned real property by a public entity.

This bill would exempt from these requirements a purchase of property offered for sale by the owner, property sold at execution sale, or property sold by court order or supervision, if the property in any of these situations is owner-occupied or unoccupied, subject to specified conditions and would define the term "offered for sale"

Except as specified, this bill would also impose state-mandated costs by requiring that public entities, at the time of making an offer to acquire property, notify the property owner, in writing, of certain information.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 147 (AB 203) Hannigan. Community redevelopment.

(1) Under the existing Community Redevelopment Law, there is in each community, as defined, a redevelopment agency of the community, which cannot function and exercise any powers until the legislative body of the community, by ordinance, declares there is a need for the agency to function in the community Existing law authorizes redevelopment agencies to select blighted areas of the community, known as project areas, for redevelopment

Existing law requires area which is added to a project area by an amendment to a

redevelopment plan which is adopted on or after January 1, 1984, to be a predominantly urbanized, as defined, area of a community which is a blighted area.

This bill would make that requirement applicable to any project area as a whole which is amended to add land, on or after that date, rather than only the area which is added to the project area. The bill would specify, however, that only the validity of the amendment adding the land to a project area would be subject to any action challenging the validity or consistency of the project area, as amended, to comply with the requirements imposed by the provisions defining a project area.

(2) Existing law defines a blighted area as an area which is characterized by properties which suffer from economic dislocation, deterioration, or disuse because of one or more of several specified factors. Two of the specified factors are an economic dislocation, deterioration, or disuse resulting from faulty planning and the existence of lots or other areas which are subject to being submerged by water.

This bill would delete these factors and would revise the definition of a blighted area to mean an area which is characterized by properties which suffer from economic dislocation, deterioration, or disuse because of one or more of the other specified factors which cause a reduction or lack of proper utilization of an area to such an extent that it constitutes a serious physical, social, or economic burden on the community that cannot reasonably be expected to be reversed or alleviated by private enterprise acting alone.

(3) Under the existing Community Redevelopment Law, in connection with a redevelopment plan which contains a provision for the division of taxes, the county officials allocating the taxes are required to prepare and deliver to the redevelopment agency and each taxing agency an assessment report within 90 days of the date that the agency files a map of the project area with the State Board of Equalization.

This bill would require the report to be prepared and delivered within 90 days if the agency requests the assessed valuation for the preceding 5 years but would otherwise reduce the filing time of the report to 60 days, resulting in the imposition of a state-mandated local program if the reduction of that filing time increases the costs of preparing that report, with specified exceptions.

This bill would impose a state-mandated local program by requiring the redevelopment agency to prepare and send a preliminary report to each affected taxing agency after receipt of the assessment report from the county officials allocating the taxes. The preliminary report would be required to include, among other things, an assessment of the proposed method of financing the redevelopment of the project area, a description of the specific projects to be pursued by the redevelopment agency, and a description of how the project will improve or alleviate existing physical, social, and economic conditions in the project area. The bill would also impose a state-mandated local program by requiring the redevelopment agency to send a notice of preparation and a copy of a draft environmental impact report to each affected taxing entity, as defined.

(4) Existing law requires the redevelopment plan submitted by the agency to the legislative body to be accompanied by a report containing, among other things, the reasons for the selection of the project area and an analysis by the agency of a specified report submitted by the county to the agency and each affected taxing entity.

This bill would impose a state-mandated local program by requiring the report submitted by the agency to the legislative body to also include, among other things, a description of the specific projects to be pursued by the agency, a description of how those projects will improve or alleviate existing physical, social, and economic conditions in the project area, an explanation of why any proposed public improvements cannot be reasonably expected to be accomplished by private enterprise acting alone, and an analysis by the agency of the report prepared by the fiscal committee, if one has been created.

(5) Existing law authorizes the county or any affected taxing entity to call for the creation of a fiscal review committee to assist in the preparation of the assessment report. The fiscal review committee is required to set a hearing date on the redevelopment plan not less than 30, and not more than 54, days after the redevelopment agency transmits the plan.

This bill would authorize the county or any affected taxing entities to call for the creation of a fiscal review committee after receipt of the redevelopment agency's preliminary report. The bill would also impose a state-mandated local program by requiring

the taxing entity to notify the agency if it calls for the creation of a fiscal review committee, by requiring the fiscal review committee so created and the redevelopment agency to consult on fiscal impacts to be identified, and by requiring the chairperson of the fiscal review committee to convene the fiscal review committee with all due dispatch and to hold a hearing on the redevelopment plan not less than 25, and not more than 40, days after receipt of the plan

(6) Under existing law, the fiscal review committee, if created, is required to report on the fiscal impact of the redevelopment plan or the amendment to the redevelopment plan on each of the entities which are members of the fiscal review committee at the conclusion of its hearing

This bill would require the report within 30 days of the hearing and would impose a state-mandated local program by expanding the content of the report

(7) Existing law requires that an ordinance adopting a redevelopment plan contain, among other things, the findings and determinations of the legislative body with respect to various specified matters, including a statement that the legislative body is convinced that the effect of tax increment financing will not cause a severe financial burden or detriment on any taxing agency deriving revenues from a tax increment project area.

This bill would define financial burden or detriment, and would require the ordinance to, instead, contain a finding of the legislative body that the effect of tax increment financing will not cause a significant financial burden or detriment on any taxing agency deriving revenues from a project area.

(8) Under existing law, where the redevelopment agency proposes to amend a redevelopment plan which utilizes tax increment financing to add a significant amount of new territory to the project area, it must follow the same procedure as required for the adoption of a plan

This bill would impose a state-mandated local program by, instead, requiring the same procedure to be followed if the agency proposes to add any new territory to the project, and by additionally requiring the same procedure as required for the adoption of a plan where the agency proposes to increase the limitation on the number of dollars to be allocated to the redevelopment agency or the time limit on the establishing of loans, advances, and indebtedness, to lengthen the period during which the redevelopment plan is effective, to merge project areas, or to add significant additional capital improvement projects, as determined by the agency

(9) Existing law permits an agency to pay to any taxing agency with territory located within a project area other than the community which has adopted the project, any amounts of money which the agency has found are necessary and appropriate to alleviate any financial burden or detriment caused to any taxing agency by a redevelopment project after approval by a resolution which contains specified findings. Existing law makes these provisions applicable only to payments made by an agency pursuant to an agreement between an agency and a taxing entity which is executed on or after January 1, 1984

This bill would, instead, make these provisions applicable only to payments made by an agency pursuant to such an agreement which is executed on or after the effective date of this bill. To the extent that this would require local agencies to make changes in their financial arrangements pursuant to an agreement between an agency and a taxing entity which is executed on or after January 1, 1984, and before the effective date of this bill, the bill would impose a state-mandated local program

(10) Under existing law, a redevelopment agency may, with the consent of the legislative body, pay for land or buildings that are publicly owned under certain circumstances.

This bill would prohibit a redevelopment agency from paying for normal maintenance or operations of buildings, facilities, structures, or other improvements owned by the community

(11) Existing law permits affected taxing agencies to elect to be allocated certain amounts allocated to the redevelopment agency under tax increment financing which are attributable to increases in the tax rates within the project area occurring after the tax year in which the ordinance adopting the redevelopment plan becomes effective

This bill would preclude that election if an agreement has been entered into between the taxing entity and the agency or the agency has distributed specified payments in accordance with another provision of law. The bill would impose a state-mandated local program by requiring school districts and community college districts to make that

election, except as specified above, and would include increases in the assessed value of the taxable property in the redevelopment project areas which are calculated annually pursuant to another specified provision.

(12) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(13) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch. 148 (AB 2526) Lancaster. Mechanics' liens: condominium units.

Under existing law, each unit in a work of improvement which consists of 2 or more separate residential units is considered to be a separate work of improvement, for purposes of mechanics' liens, and the time for filing a mechanics' lien against each unit commences upon the completion of each unit.

This bill would provide that a residential structure containing multiple condominium units would be considered as one residential unit, for purposes of mechanics' liens. This bill would also include a common area within the definition of a separate residential unit for the purpose of these provisions.

This bill would extend the time within which an express trust fund, established pursuant to a collective bargaining agreement and to which fringe benefit payments are made, may claim and record a mechanics' lien against a residential structure containing multiple condominium units from 60 days, if a notice of completion or cessation is recorded, or 90 days, if no notice of completion or cessation is recorded, to 120 days.

Ch. 149 (SB 1324) Ellis. Marriage

Existing law provides that certain persons may get married without a license and without the necessity of first obtaining health certificates; authorizations for such a marriage are issued by the county clerk, the clerk of the court, or a judge in private chambers, upon the personal appearance of the parties and their payment of a specified fee. An authorization may also be issued by any other person authorized by law to administer oaths. A person so authorized to administer oaths obtains the authorization forms from the county clerk upon the payment of the specified fees; the parties seeking to be married are required to reimburse the person authorizing the marriage for the fees. Existing law provides that an authorization for a confidential marriage is valid only for 90 days after its issuance and may only be used in its county of issuance.

This bill would specify that the restriction on the use and the duration of the validity of such an authorization is applicable to authorizations issued by county clerks to persons authorized to administer oaths.

Ch. 150 (AB 2401) Bronzan. Kings River Conservation District.

Under the Kings River Conservation District Act, the Board of Directors of the Kings River Conservation District is required to meet and organize as a board on the last Friday in November after each general district election.

This bill would instead require the board to so meet and organize at the first regular meeting in December after each general district election.

The bill would also delete obsolete provisions.

Ch. 151 (AB 3048) Hannigan. Fire protection districts.

(1) Existing law, with respect to fire protection districts organized under the Fire Protection District Law of 1961, authorizes a city to be included in a district if a prescribed procedure is utilized and if certain conditions of the district board are met by the city.

This bill would, additionally, provide that if a city governing body so requests inclusion into a district, upon agreement of the city governing body and the board of directors, the board of directors may be reconstituted in a specified manner.

(2) Existing law, with respect to the formation of a fire protection district organized under the Fire Protection District Law of 1961, provides four different methods of selecting the board of directors of the district, including a method where the board has 5 or 11 members appointed by and from the board of supervisors and by and from the city councils of the cities included within the district.

This bill would revise this selection method in a specified manner to provide that the members shall be appointed by or from the board of supervisors and by or from the city councils of the cities included within the district. It would require that directors appointed on or after its effective date reside within the area that they are appointed to represent. It would make other conforming changes in this regard.

This bill would also make certain technical, nonsubstantive amendments.

Ch. 152 (SB 1456) Robbins. Corporations: distributions: disabled shareholder

Existing law restricts distributions by a corporation to shareholders in specified instances but makes an exception for the purchase or redemption of shares of a deceased shareholder from the proceeds of an insurance policy on the life of the shareholder in excess of the total amount of all premiums paid by the corporation and in furtherance of an agreement between the corporation and the shareholder.

This bill would also make an exception from the laws restricting distributions to shareholders for the purchase or redemption of shares of a disabled shareholder from the proceeds of a disability insurance policy applicable to the shareholder in excess of the total amount of all premiums paid by the corporation and in furtherance of an agreement between the corporation and the shareholder.

The bill would define the term "disability insurance" but would provide that the meaning of "disability of a shareholder" shall be as defined in the disability insurance policy.

Ch. 153 (SB 1417) Beverly Transit districts grant anticipation notes.

(1) Under the San Francisco Bay Area Rapid Transit District Act, the San Francisco Bay Area Rapid Transit District may borrow money and issue bond anticipation notes for temporary purposes, including general administrative purposes of the district.

This bill would, in addition, permit the district to issue grant anticipation notes for temporary borrowing purposes related to the purchase of transit vehicles or equipment or transportation facilities, or for capital improvements, payable from appropriated state funds, or from other funds committed but not appropriated or on specific dates or events when evidenced by an appropriate document of intent, pursuant to provisions of law governing this means of temporary borrowing by local agencies generally. The bill would specify that there is no liability on the state under these provisions for funds appropriated but not allocated.

(2) Under the Southern California Rapid Transit District Law, the Southern California Rapid Transit District may issue grant anticipation notes for the purchase of buses or transportation facilities payable from money committed but not appropriated or payable on specific dates or events under a grant made pursuant to the federal Urban Mass Transportation Act of 1964 and related amendments thereto.

This bill would allow the purchase of rolling stock, as well as buses and transportation facilities, under these provisions, would delete the requirement that the district's grant anticipation notes be payable from grants made pursuant to that federal act, and would specify that these grant anticipation notes are payable from appropriated state funds, or from other funds committed but not appropriated or on specific dates or events when evidenced by an appropriate document of intent.

Ch. 154 (SB 1800) Presley State Contracting Procedure.

Existing law provides procedures by which the state enters into contracts for the procurement of materials, supplies, equipment, and services.

This bill would exempt from these procedures contracts of less than \$1,000 and contracts of less than \$5,000 where only per diem or travel expenses are to be paid.

This bill would also provide that in awarding contracts, any evaluation and scoring

method shall ensure that substantial weight be given to the contract price proposed by the bidder

This bill would further provide that unsuccessful bidders file their protests with the awarding authority and the Department of General Services.

Under existing law, no consulting contract shall be commenced prior to formal approval, as specified.

This bill would provide that except in an emergency, as defined, these consulting contracts shall not be commenced prior to formal approval.

Under existing law, no officer, employee in state service, or appointed state official, may engage in any employment activity or enterprise which is sponsored or funded, or both, by any state agency or department through or by a state contract unless the employment, activity, or enterprise is a required condition of employment.

This bill would prohibit this employment, activity, or enterprise only when the officer or employee receives compensation or has a financial interest.

Ch 155 (AB 2256) Rogers Transit district contracts.

Existing law sets forth various provisions in the Public Contract Code relating to contracts by the Greater Bakersfield Metropolitan Transit District.

This bill would change references in the existing law from Greater Bakersfield Metropolitan Transit District to Golden Empire Transit District.

In addition, the bill would provide that any single purchase of fuels exceeding \$15,000, rather than the purchase of fuels exceeding \$15,000 in any one month, shall be by contract let to the lowest responsible bidder.

The bill would make other nonsubstantive technical changes.

Ch 156 (AB 2286) McAlister. Family law: special appearances

Under existing law, a defendant in a civil action may make a special appearance in order to make a motion objecting to the jurisdiction of the court, and such a motion is not deemed a general appearance giving the court jurisdiction over the defendant.

This bill would specify that an appearance made by a defendant in opposition to an order of the court rendered under the Family Law Act during the time such a motion contesting the jurisdiction of the court is pending, as defined, shall not constitute a general appearance giving the court jurisdiction over the defendant

Ch 157 (AB 3024) Cortese Elections.

(1) Existing law requires each county clerk to send to the Secretary of State a file or index to the affidavits of registration at various times, including on or before May 1 of each odd-numbered year

This bill would change the May 1 date to March 1 of each odd-numbered year.

(2) Under existing law, if the governing board of a city makes an appointment to a vacant city office, because no one has been nominated to the office by the 63rd day before the city election, the governing board may appoint someone to the office. If an appointment is made, existing law prohibits a person filing for that office as a write-in candidate after the 50th day before the city election

This bill would prohibit write-in candidates after the appointment is made rather than the 50th day before the election

Ch 158 (AB 3278) Clute Juvenile court law

Existing law requires that a hearing shall be set within 30 days of the filing of a petition to declare a juvenile a ward of the court, unless the minor is detained in custody, in which case the petition must be set for hearing within 15 days.

This bill would provide that in the case of a minor not before the juvenile court at the time of the filing of the petition and for whom a warrant of arrest has been issued, the period of time within which the hearing must be set would be tolled until the minor is brought before the court

Ch 159 (AB 3380) Clute. Uniform District Election Law

Under existing law, comprehensive provisions contained in the Uniform District Election Law govern the conduct of special district elections.

This bill would make changes in that law by deleting references to the now-repealed Waxman-Dymally Campaign Disclosure Law.

Ch. 160 (AB 3288) Clute. Recall petition.

An existing section governing the public examination of recall petitions makes reference to supplemental recall petitions. The use of supplemental recall petitions was repealed under earlier law.

This bill would delete the reference to supplemental petitions in the above-referred to section.

Ch. 161 (AB 2541) Mojonner. Political Reform Act.

Under the Political Reform Act of 1974, no expenditure shall be made by an agent or independent contractor on behalf of or for the benefit of any candidate or committee unless it is reported by the candidate or committee or on a separate campaign statement filed by the agent or independent contractor.

This bill would require this disclosure to be filed on the statement of the candidate or committee.

Under the Political Reform Act, an employer of a lobbyist is required to itemize all payments of \$25 or more made to influence legislative or administrative actions.

This bill would revise this provision by requiring an itemization of these payments when the payment benefits the official.

Under the Political Reform Act, an employer of a lobbyist is required to itemize all general lobbying expenses.

This bill would revise these reporting requirements, as specified.

Ch 162 (AB 2701) Killea Minors.

Under existing law, a parent or guardian may be required to participate in a counseling program when a minor has been adjudged a ward of the juvenile court. When a child is adjudged a dependent child of the court, the court generally may direct reasonable orders to the parent or guardian, and in demonstration counties may order their participation in a counseling program.

This bill would authorize a juvenile court to direct reasonable orders to the foster parents of a minor who is the subject of specified proceedings pursuant to the juvenile court law. It also would provide that orders directed to the parent or guardian of a dependent child may include direction to participate in a counseling or education program, as specified, and would authorize the court to direct a foster parent to participate in such a program in cases in which the court deems participation is appropriate and in the child's best interests.

Ch. 163 (AB 804) Robinson. Health insurance.

Existing law imposes various requirements upon health insurers and plans which provide health coverage.

Existing law requires licensed health facilities to have rules permitting the use of the facility by podiatrists.

This bill would prohibit insurers and others providing health coverage, which offer or provide podiatry services from refusing to give reasonable consideration to affiliation with podiatrists for the provision of services solely on the basis that they are podiatrists, as specified.

Ch. 164 (SB 1475) Stiern. Heritage Park.

The Public Park Preservation Act of 1971 generally prohibits the acquisition by a public agency or public utility of real property used as a public park for use for a nonpark purpose unless compensation or land, as specified, is paid by the acquiring entity to the operating entity to enable acquisition and development of replacement parkland and facilities. Where the operating entity and the acquiring entity are the same, the entity is subject to the provisions of the act applying to both operating and acquiring entities.

This bill would authorize Kern County, after holding at least one public hearing on the question, to construct juvenile court facilities on not more than 5 acres of Heritage Park without providing replacement parklands and would make legislative declarations in that regard.

Ch. 165 (SB 1993) Ayala. Fire companies.

Existing law authorizes and prescribes the procedure for the formation of fire companies in unincorporated towns and for their powers and duties.

This bill would authorize the board of supervisors of a county which has a population of 1,000,000 or more on or after January 1, 1985, by ordinance, to regulate the formation

and continued existence of fire companies. It would permit the board of supervisors to authorize the formation of any new fire company or to order that any fire company which has been formed may continue to exist where it makes a specified determination.

This bill would additionally make a statement of unique circumstances necessitating its provisions.

Ch. 166 (SB 1682) Stiern. Highway lighting districts: dissolution.

Existing law authorizes districts formed under the Highway Lighting District Act to be dissolved under specified circumstances.

This bill would authorize a board of supervisors to dissolve a highway lighting district, after a public hearing, where a community services district has been established, or a city has been formed, to provide service to all or part of the territory of the highway lighting district and the community services district or the city, as the case may be, has elected to assume all the assets and liabilities of the dissolved highway lighting district.

Ch. 167 (SB 1599) Stiern. Mojave Water Agency.

Existing law (the Mojave Water Agency Law) specifies that an appointment to fill a vacancy in the office of director of the Mojave Water Agency shall be for the unexpired term of the office in which the vacancy occurs and that newly elected directors take office at noon on the last Friday in November following the agency general election.

This bill would provide that an appointment to fill a vacancy shall be for the unexpired term notwithstanding any other provision of law. The bill would require the newly elected directors to take office at noon on the last regular meeting date in November following the agency general election.

Ch. 168 (SB 1507) Presley Improvement Bond Act of 1915· City of Corona.

The Improvement Bond Act of 1915 authorizes a city to issue serial bonds secured by assessments for paying the costs of street works and improvements.

This bill would authorize the City of Corona to issue an initial series of bonds under the act for reimbursing the city and other property owners for expenses and costs incurred in connection with acquisitions and improvements for its Assessment District No. 79-2. The bill would find and declare that a special law is necessary and that a general law cannot be made applicable.

The bill would take effect immediately as an urgency statute.

Ch. 169 (SB 1573) Keene. County board of supervisors.

Existing law generally requires each county board of supervisors to provide for the publication of its proceedings within 10 days after each session of the board.

An alternative procedure, available to counties with a population of 250,000 or greater, allows the board of supervisors to provide copies of its agendas and summaries of its proceedings to news media, libraries, and to other persons who request the same.

This bill would make the alternative available to any county, rather than only to counties with a population of 250,000 or greater.

Ch. 170 (SB 1419) Russell. Cities, counties: joint exercise of powers.

Under existing law, 2 or more cities, counties, or cities and counties, and other public agencies, may, through a joint exercise of powers agreement, designate one of the participating agencies or create a separate entity to exercise any power common to the contracting agencies. The agreement may be administered by a commission or board constituted pursuant to the agreement or a person, firm, corporation, or nonprofit corporation designated in the agreement. In addition to the powers of the individual agencies which are party to a joint exercise of powers agreement, the agency or entity created by the agreement is authorized by existing law to issue revenue bonds to finance specified types of projects.

This bill would declare that the State of California pledges to and agrees with the holders of bonds issued by any agency or entity created by a joint exercise of powers agreement by and among 2 or more cities, counties, or cities and counties, that the state will not change the composition of the issuing agency or entity unless the change in composition is authorized by a majority vote of the legislative body of each of the participating cities, counties, or cities and counties, or by a majority vote of the electors thereof.

Ch. 171 (SB 1769) Robbins. Summary judgment

Existing law sets forth the grounds for and effects of summary judgment.

This bill would make a technical, nonsubstantive change in those provisions concerning summary judgment

Ch. 172 (SB 1709) Davis. Diversion programs: fees.

Existing law establishes diversion programs for the treatment of defendants accused of specified crimes involving narcotics or drug abuse or domestic violence. Existing law authorizes the imposition of a fee of up to \$50, in the case of a defendant accused of a misdemeanor, to cover the cost of processing a request or application for diversion pursuant to those provisions. Existing law also repeals the pretrial diversion program for misdemeanor offenses on January 1, 1985.

This bill would make the diversion program provisions applicable to all misdemeanor pretrial diversion programs. This bill would also delete the repeal date for the misdemeanor program, thereby continuing the program.

Ch. 173 (SB 1688) Ayala. Schools: contracts: equipment.

(1) The Education Code currently contains prescriptive provisions which permit the governing board of a community college district to make continuing contracts for the lease of electronic data-processing systems, as specified.

This bill would delete these prescriptive provisions and, instead, generally authorize governing boards of community college districts to contract for the procurement or maintenance, or both, of electronic data-processing systems, subject to specified competitive bidding requirements.

(2) Existing law permits any community college district to sell and leaseback any electronic data-processing equipment owned by the district if the governing board determines that the sale and leaseback is the most economical means of providing this equipment

This bill would make other major items of equipment subject to this sale and leaseback provision.

(3) Under existing law, school districts are required to utilize competitive bidding in letting contracts involving more than \$12,000 for work to be done, or more than \$16,000 for materials or supplies to be furnished, sold, or leased to the district

This bill would increase these amounts to \$15,000 and \$12,000, respectively

(4) Under existing law, community college districts are required to utilize competitive bidding in letting contracts involving more than \$12,000 for work to be done, or more than \$18,000 for materials or supplies to be furnished, sold, or leased to the district.

This bill would increase these amounts to \$15,000 and \$21,000, respectively.

Ch. 174 (SB 1636) Seymour. Real property: rent.

Existing law provides summary proceedings for unlawful detainer actions initiated by the service of a 3-day notice to perform conditions of the lease or quit the premises

This bill would provide that when that notice states that the lessee or landlord may elect to declare the forfeiture of the lease or rental agreement, that declaration shall be nullified if the lessee or tenant performs the conditions within 3 days after service of the notice or the breach is waived by the lessor or the landlord.

Ch. 175 (SB 1519) Stiern. Airport directors: compensation.

Under the California Airport District Act, each member of the board of directors of an airport district may receive compensation for attendance at meetings of the board not to exceed \$50 per meeting, as fixed by the board, and not to exceed 2 meetings in any month.

This bill would permit up to 4 paid meetings in any month.

Ch. 176 (SB 1464) Ellis. Criminal procedure.

Existing law authorizes a court to impose reasonable conditions upon the granting of probation to a defendant who is convicted of a crime, including the payment of a fine, as specified.

This bill would require that in any case in which a court orders a defendant who is convicted of a crime to either pay a fine or perform specified community service work as a condition of probation, the court shall specify in its order the amount of the fine and the number of hours of community service work that shall be performed as an alternative to payment of the fine.

Ch. 177 (SB 1439) Seymour. Real estate: brokers.

Existing law defines a real estate broker for purposes of the real estate law as a person who, for compensation or in the expectation of a compensation, does various acts connected with the sale or lease of real estate.

This bill would amend the definition to specify that the form or time of payment of the compensation not be considered as an element of the definition.

Ch 178 (AB 2672) Agnos. Special absentee ballot.

Existing law allows a special absentee voter to apply not earlier than the 60th day before an election for a special absentee voter ballot under specified conditions. Any specific name written on the special absentee voter ballot for an office listed on the ballot would be counted by the clerk. The clerk is also required to send to these voters a listing of all measures and all candidates who have filed nomination papers.

This bill would provide that any application which is received by the clerk prior to the 60th day before an election shall be kept and processed on or after the 60th day before the election. It would also require the clerk to send a list of only those candidates who have qualified for the ballot by the 60th day before the election.

Ch 179 (AB 2875) Hauser. Special districts.

(1) Existing law contains provisions which authorize various community services districts to construct, install, own, maintain, or operate hydroelectric power generating facilities and transmission lines.

This bill would repeal all of these provisions, except the provisions relating to the Groveland Community Services District, the McCloud Community Services District, the Clear Creek Community Services District, and the Big Bear City Community Services District, and would enact provisions which would generally authorize all other community services districts to construct, install, own, maintain, or operate those facilities and transmission lines. The bill would prohibit a community services district from acquiring property that is utilized at a specified time to generate hydroelectric power for public utility purposes, unless the owner of that property agrees to the acquisition of the property by the district. The authority for the Groveland Community Services District, the McCloud Community Services District, the Clear Creek Community Services District, and the Big Bear City Community Services District to construct, install, own, maintain, and operate those facilities and transmission lines would continue to be governed by the special provisions applicable to those 4 districts.

(2) Under existing law, the election of trustees of any improvement district of the Mendocino County Flood Control and Water Conservation District is held on the first Tuesday of May in each second year after the formation of the improvement district and is subject to the general law for election of state and county officers.

This bill would provide for the improvement district elections to be governed by the Uniform District Election Law and to be held on the first Tuesday after the first Monday in November in each odd-numbered year. The bill would make related changes.

Ch. 180 (SB 1698) Johnson. Mining claims: property taxation.

Under existing law, a person who owns a mining claim is required to file an affidavit of labor on the claim, setting forth certain information.

This bill would authorize the county board of supervisors to require, by, resolution that any person filing an affidavit of labor demonstrate proof of payment of ~~an~~ [any]* unsecured tax levied against the mining claim on which the affidavit is filed, prior to its recordation. The bill would specify optional provisions for inclusion in the resolution.

Ch 181 (AB 286) Moore. Highways: roadway and parking.

(1) Existing law authorizes local authorities to close highways under their jurisdiction to vehicular traffic when no longer needed for vehicular traffic. Existing law also authorizes local authorities to prohibit the use of particular highways by certain vehicles.

This bill would prohibit local authorities from placing gates or selective devices on streets to deny or restrict the access to some, but not all, of the public. The bill would declare that this provision is not intended to make a change in the existing law, but is intended to codify the decision of the court in *City of Lafayette v. County of Contra Costa* (91 Cal. App. 3d 749).

(2) Existing law authorizes local authorities to prohibit or restrict the parking or standing of vehicles on certain streets or highways during all or certain hours of the day.

This bill would specifically include vehicles which are 6 feet or more in height (includ-

ing any load thereon) within 100 feet of any intersection as vehicles whose parking or standing may be prohibited or restricted by local authorities.

Ch. 182 (AB 3676) Clute Fees: coroners.

Existing law permits the coroner of a county to charge up to \$100 for the embalming of certain dead bodies when the family or person with responsibility for the custody of the dead body agrees to accept the expenses, and \$30, when the family or person with responsibility for custody has not been located within 24 hours of the coroner's custody of the body.

This bill would raise the fees to \$135 and \$65 respectively and would authorize the latter fee when embalming has been performed after a reasonable attempt has been made to locate the family of the deceased, rather than at the end of 24 hours. The board of supervisors would be authorized to increase the amount of the fees pursuant to specified criteria.

The bill would limit the purposes for which the coroner, having custody of a body pursuant to law, could embalm a body or authorize a mortician to embalm a body.

Ch. 183 (SB 1416) Petris. Conservatorships: developmentally disabled adults.

Existing law provides for limited conservatorships for developmentally disabled adults. However, if the court finds that the proposed limited conservatee possesses the capacity to care for himself or herself and to manage his or her property as a reasonably prudent person, the court is required to dismiss a petition for appointment of a limited conservator.

This bill would provide that if the court finds that the proposed limited conservatee lacks the capacity to perform all of the tasks necessary to provide properly for his or her own personal needs for physical health, food, clothing, or shelter, or to manage his or her own financial resources, the court shall appoint either a conservator or a limited conservator for the person or the estate, or the person and the estate.

Ch. 184 (AB 1021) Felando. Osteopaths

Existing law authorizes the issuance of a physician's and surgeon's certificate based on reciprocity pursuant to provisions of the Medical Practice Act. The law provides that the provisions of the Medical Practice Act apply to the Board of Osteopathic Examiners so far as consistent with the Osteopathic Act.

This bill would enact provisions relating to the issuance of an osteopathic physician's and surgeon's certificate based on reciprocity and based on nonreciprocity, as specified.

The bill would take effect immediately as an urgency statute.

Ch. 185 (AB 844) Lancaster. Mechanics' liens.

Existing law generally prohibits an owner or an original contractor from waiving, affecting, or impairing the mechanics' lien claims of any other person.

This bill would generally prohibit an owner or original contractor from waiving, affecting, or impairing the mechanics' lien claims of any other person, except by the other person's written consent, and then, only when the claimant executes and delivers a waiver and release which conforms to one of several specified forms depending upon the circumstances.

Ch. 186 (SB 1370) Ayala. Water district directors' compensation

Under existing law, various water district acts contain limitations on the amount of compensation which may be received by each member of the governing board of a water district organized under that act.

This bill would authorize the governing board of any water district, as defined, which is authorized under its principal act to receive compensation in the amount of \$100 or more per day to increase, by ordinance, the amount of that compensation, subject to prescribed limitations, and subject to a prescribed right of the voters of the district to petition for a referendum on the ordinance.

Ch. 187 (AB 3340) Klehs. Charitable solicitations.

Existing law imposes disclosure requirements on solicitations for charitable purposes, including, among other things, the disclosure of the number of members in the organization and the number of members working or living within the county where the solicitation—00093

tion is being made if the organization making the solicitation represents any nongovernmental organization by the use of any name which includes various exemplifying terms, including the term "fireman" or "firefighter," which implies that the organization is composed of law enforcement or safety personnel.

This bill would delete from those disclosure requirements any organization which uses a name which implies that the organization is composed of safety personnel, and would delete the specific reference to the terms "fireman" and "firefighter."

Existing law defines charity, for the purposes of the above-described provisions, to include any nonprofit community organization, fraternal, benevolent, educational, philanthropic, or service organization, governmental employee organization, any person who solicits or obtains contributions solicited from the public for charitable purposes, and any person who holds any assets for charitable purposes.

This bill would revise the definition of charity to only include any of the above-described organizations which solicit or obtain contributions solicited from the public for charitable purposes or which hold any assets for charitable purposes

Ch 188 (AB 3898) Naylor Parks and recreation: County of San Mateo: Pescadero Watershed Park.

Under the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964, a local assistance grant was made to the County of San Mateo for the acquisition of Pescadero Watershed Creek Park.

This bill would authorize the county to lease oil and gas rights underlying the park, subject to specified conditions.

The bill would also require that, prior to any oil and gas production pursuant to that lease, the lessee comply with the California Environmental Quality Act and obtain all necessary development permits from the county in which the well is located.

The bill would take effect immediately as an urgency statute.

Ch 189 (AB 3242) N Waters. Justice courts: constable, sheriff

Existing law provides for a constable in each judicial district in which a justice court is established. In proceedings in the justice court, the constable has all the powers and duties imposed by law upon the sheriff with respect to proceedings in the superior court.

Existing law, applicable only to counties of the 34th and 43rd classes, permits the board of supervisors to abolish the office of constable and transfer the duties of the constable to the sheriff of the county.

This bill would extend this latter authority to a county of the 51st class.

Ch. 190 (AB 2880) Connelly. Juvenile court law: adoptions.

Existing law requires the juvenile court to conduct permanency planning hearings with regard to the future of dependent children of the court who have been placed in foster care no later than 12 months after the original placement and periodically, but no less frequently than once each 18 months thereafter, as specified. If the court determines that a minor cannot be returned to the physical custody of his or her parent or guardian and there is not a substantial probability that the minor will be returned within 6 months, the court is required to develop a permanent plan for the minor; if the court finds that the minor is adoptable, it is required to order the initiation of an action to declare the minor permanently free from the custody and control of his or her parents or guardians, except as specified

This bill would provide that the application of a person who, as a foster parent, has cared for a dependent child for whom the court has approved a permanent plan for adoption, or who has been freed for adoption, for the placement of the child with him or her for adoption, shall be given preference with respect to that child over all other applications for adoptive placement, under specified circumstances.

Ch 191 (AB 2986) McAlister. Summons

Existing law requires a summons to be served on a person outside the United States as provided in specified provisions of law or as directed by the court or, if the court finds that the service is reasonably calculated to give actual notice, as prescribed by the law of the place where the person is served or as directed by the foreign authority in response to a letter rogatory. Existing federal law provides that the United States is

bound by the provisions of the multilateral international convention governing "Service Abroad of Judicial and Extrajudicial Documents" (The Hague Convention).

This bill would specify that those above-described rules are subject to the provisions of that Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

Ch 192 (AB 2677) Margolin. Probate

Existing law provides the order of priority of persons who are entitled to letters of administration of the estate of a decedent who died intestate. The surviving spouse is granted top priority over all other interested persons.

This bill would lower the priority of a surviving spouse, in relation to certain other persons, if the surviving spouse is a party to an action for separate maintenance, dissolution, or annulment, and was living apart from the decedent at the time of the decedent's death, except where the surviving spouse has waived his or her right to file a petition for the determination or confirmation of community property, as specified.

This bill would also provide a certain priority for the conservator or guardian of the decedent's estate

Ch 193 (SB 1828) Keene. Maintenance of the codes

Existing law directs the Legislative Counsel to advise the Legislature from time to time as to legislation necessary to maintain the codes and legislation necessary to codify such statutes as are enacted from time to time subsequent to the enactment of the codes.

This bill would restate existing provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature for consideration during 1984, and would not make any substantive change in the law

Ch. 194 (AB 2533) Frazee Court reporters: records

Existing law contains various provisions requiring court reporters in specified counties to maintain certain records and report annually thereon to the Judicial Council

This bill would repeal those requirements, and would authorize each county to impose similar requirements at the local level.

Ch. 195 (SB 1454) Marks. Fire suppression assessments.

(1) Existing law permits districts, counties, and cities to levy an assessment for fire suppression services by ordinance adopted after notice and hearing. Existing law establishes procedures for the filing and hearing of protests of assessments levied by districts, but does not cross-reference these same procedures to include protests of assessments levied by counties and cities.

This bill would cross-reference the procedures for the filing and hearing of protests of assessments to include protests of assessments levied by counties and cities

(2) Under existing law, a change of organization or reorganization may provide for, or be made subject to, one or more terms and conditions including, among other things, the levying of a benefit assessment or the approval by the voters of a special tax.

This bill would specify that a change of organization or reorganization may provide for, or be subject to, the continuation of any previously authorized standby or availability charge, benefit assessment, or special tax by a successor city or district

(3) The bill would take effect immediately as an urgency statute.

Ch 196 (SB 1362) Stiern. Surplus property: donated food

Existing law designates the State Department of Education as the California State Agency for Surplus Property. It authorizes this agency to cooperate with the federal government in distributing surplus personal property and food commodities donated by the federal government to California public agencies and institutions. It specifies the powers of the agency and creates a Surplus Property Revolving Fund in the State Treasury from which agency costs are paid.

This bill would revise the designation of the State Department of Education to that of the California State Agency for Donated Food Distribution. It would revise the duties of the agency accordingly, would terminate the Surplus Property Revolving Fund, as specified, and would create a Donated Food Revolving Fund into which the cash resources of the Donated Food Program would be deposited and from which all costs of the agency would be paid.

This bill would transfer to the Department of General Services the responsibility for distribution of federal surplus personal property, except food commodities, in accordance with federal law. It would specify the duties of the department and would create the Surplus Personal Property Revolving Fund in the State Treasury into which the cash resources of the Surplus Property - Hardware Program would be deposited, and from which all costs of the department relating to these duties would be paid.

This bill would transfer to the Department of General Services all officers and employees of the State Department of Education, as specified, performing those functions to which the Department of General Services would succeed pursuant to this bill.

This bill would become operative on July 1, 1984, unless it is chaptered after July 1, 1984, in which case it would become operative on the date on which it is chaptered.

This bill would take effect immediately as an urgency statute.

Ch 197 (SB 1556) Beverly. Franchises. industrial gas lines.

Under the Franchise Act of 1937, municipalities may grant gas, oil, water, and electric public utility franchises and nonutility oil franchises, and charge fees to the grantees of the franchises, as specified.

This bill would provide also for the granting of nonutility industrial gas franchises under these provisions.

Ch. 198 (SB 1480) Presley. Improvement Bond Act of 1915. registration expenses.

(1) The Improvement Bond Act of 1915 prescribes the form and content of improvement bonds issued pursuant to the act.

This bill would authorize the legislative body to prescribe the form of bonds issued under the act and require it to fix the date of the bonds. The bill would also authorize the legislative body to divide the principal amount of any issue into 2 or more divisions and to fix different dates for payment.

(2) Existing provisions of the Registered Public Obligations Act of California authorize public entities issuing bonds and other public obligations to establish and maintain a system for registration of obligations within the meaning of applicable provisions of the Internal Revenue Code. Existing provisions of the Improvement Bond Act of 1915 require the auditor of a city or county to keep a list of unpaid assessments and authorize collection of additional amounts up to 5% of each unpaid installment for collection expenses.

This bill would authorize the city or county to make an additional annual collection under the Improvement Bond Act of 1915 for registration expenses. Alternatively, the city or county could include the estimated aggregate total of the registration expenses in the assessment and the bonds and make annual payments from that source.

(3) The bill would take effect immediately as an urgency statute.

Ch. 199 (AB 2496) Lancaster. Loans.

Under the existing Unruh Act which governs credit sales, the term "finance charge" does not include, among other fees, amounts charged for insurance premiums.

This bill would specifically exclude from the definition of the term "finance charge," amounts for premiums for insurance in lieu of perfecting a security interest, as specified.

Under the existing Industrial Loan Law, the Personal Property Brokers Law, and the Consumer Finance Lenders Law, an industrial loan company, a personal property broker, and a consumer finance lender, respectively, are permitted to contract for, collect, or receive the statutory fee paid by it to a public officer for acknowledging, filing, recording, or releasing in any public office any instrument securing the loan or executed in connection with a loan. This fee is not included in computing the maximum charges which an industrial loan company, a personal property broker, or a consumer finance lender is permitted to impose in connection with a loan.

This bill would permit an industrial loan company, a personal property broker, and a consumer finance lender to contract for, collect, or receive premiums for insurance in lieu of perfecting a security interest, as specified, and would provide that these amounts are not to be included in computing the maximum charges which may be imposed under the Industrial Loan Law, the Personal Property Brokers Law, and the Consumer Finance Lenders Law.

Existing provisions of the Industrial Loan Law which govern the provision of credit

disability insurance in connection with the making of a loan, provide that such credit disability insurance shall not provide for retroactive coverage to an earlier date based upon the disability having continued for a period stated in the policy or for any other reason. Similar provisions exist under the Personal Property Brokers Law and the Consumer Finance Lenders Law

This bill instead would permit the offering of credit disability insurance with retroactive coverage in connection with the making of a loan by an industrial loan company, a personal property broker, or a consumer finance lender, provided that if such an offer is made, insurance without retroactive coverage shall also be offered and the premium rate for each type of coverage shall be separately stated in writing to the borrower. The bill would require that both retroactive and nonretroactive coverage provide for a prorated payment based upon the portion of the month during which the insured is disabled, as specified. It would provide that the monthly disability benefit payable with respect to an open end loan shall not exceed a specified computed monthly payment amount on the outstanding balance at the time the disability is incurred.

Existing provisions of the Personal Property Brokers Law and the Consumer Finance Lenders Law prohibit licensees from requiring borrowers to purchase other things in connection with a loan. Certain types of insurance are exempted from this prohibition.

This bill would additionally exempt mortgage guaranty insurance.

Ch. 200 (AB 2416) O'Connell Vehicle license fees: late penalties

Existing law prohibits assessment of a penalty for late payment of a vehicle license fee, if (1) the vehicle is repossessed on behalf of the legal owner after the fee becomes due, (2) the fee is paid within 30 days after taking possession, and (3) reregistration to a new owner is applied for during that time.

This bill would, for the above purpose, extend the time for paying the license fee without penalty to 60 days from the date of repossession. The bill would also delete the requirement for reregistration to a new owner in order to avoid the late penalty.

Ch. 201 (AB 2304) Mojonmier. Sales.

Existing law provides that when goods are delivered for sale to a person maintaining a place of business in which he or she deals in goods of the kind involved, the goods are deemed to be on sale or return with respect to the creditors of the person conducting the business. Where there is a sale or return, title to the goods passes to the buyer (i.e., the retailer) upon delivery. The goods may be reached by the creditors of the retailer and the seller would be an unsecured creditor in the case of bankruptcy.

This bill would provide that these provisions would not apply with respect to a person who delivers goods which he or she used or bought for use for personal, family, or household purposes.

The bill would also specify that if a person delivers or consigns for sale goods which the person used or bought for use for personal, family, or household purposes, the goods do not become the property of the deliverer or consignee unless the deliverer or consignee pays for the goods in full. It would specify that this provision does not prevent the deliverer or transferee from acting as the deliverer's agent to transfer title to a buyer who pays the full purchase price, and that any payment received by the deliverer or consignee from the buyer, less agreed upon commissions, fees, or expenses, is the property of the deliverer and is not subject to the claims of the deliverer's or consignee's creditors.

Ch. 202 (SB 2333) Roberti Fireworks: counties and cities.

Under existing law, the state has enacted a comprehensive program regulating the sale and use of fireworks in the State Fireworks Law, but has permitted counties and cities to further regulate the use or discharge of fireworks. Existing law, however, does not permit counties and cities to prohibit or regulate the sale of fireworks.

This bill would permit cities, counties, and cities and counties to prohibit or regulate the sale, as well as the use or discharge, of fireworks.

The bill would provide that if this bill and SB 2334 are both chaptered and become effective on or before January 1, 1985, the provisions enacted by SB 2334 shall prevail over the provisions enacted by this bill, to the extent of any substantive conflict between these provisions, regardless of the order of chaptering of the bills.

This bill would take effect immediately as an urgency statute

Ch. 203 (SB 2266) Marks. Fish and game: gill and trammel nets

(1) Under existing law, the Director of Fish and Game may issue an order prohibiting gill or trammel nets, or both, in Fish and Game District 17 for a specified period in waters over 10 fathoms in depth if any seabird or marine mammal is endangered, as specified.

This bill would require the Department of Fish and Game to study specified effects of gill nets and the number of gill and trammel net permits used for specified purposes in Districts 10 and 17, as specified, and to report its findings to the Legislature by June 1 of 1985 and January 1 of 1987, as specified. The bill would declare that the provisions requiring the study are intended as interim measures until the report to the Legislature is made and are specific to the set gill and trammel net fisheries of Districts 10 and 17.

(2) Under existing law, a general permit is required to use gill or trammel nets. Existing law permits drift gill nets to be used in Districts 6, 7, 8, 9, and 10, set gill nets to be used in District 10 south of Point Reyes, except to take salmon, and drift and set trammel nets to be used, as specified, in Districts 10, 17, 18, and 19.

This bill would, until April 1, 1985, require a special permit to use set gill or trammel nets in Districts 10 and 17 and a specified portion of District 18. The bill would specify the qualifications for an individual to be issued a special permit and would provide for its annual renewal and for fees, established by the Department of Fish and Game, for issuance and renewal. Other provisions of existing law require the fees to be deposited in the Fish and Game Preservation Fund.

(3) Under existing law, gill nets may be used in District 17, except for taking salmon, and except as otherwise provided. Gill and trammel nets are not permitted to be used between the mouth of Aptos Creek and a surveyor's monument near Seaside in waters less than 10 fathoms deep.

This bill would change the closure area boundary from the mouth of Aptos Creek to Point Santa Cruz, change the depth to 15 fathoms, and require it to be measured at mean lower low water, and the bill also prohibits gill and trammel nets in District 17 in waters 25 fathoms or less deep between Franklin Point and Waddel Creek, as specified. The bill would make other conforming changes in these provisions.

(4) Existing law authorizes the Director of Fish and Game to issue an order which would prohibit the use of gill nets or trammel nets, as specified, in District 10, in waters greater than 10 fathoms in depth in District 17, and a specified portion of District 18, upon determining that specified seabirds or marine mammals are endangered by the nets.

This bill would extend that authority to include a determination that fish are endangered by the nets, would delete the depth limitation on that authority in District 17, and would require the director to hold a public hearing in the affected area in District 17 after a closure in District 17, as specified.

(5) Under existing law, gill nets may be used in all or parts of District 10, as specified.

This bill would, until January 1, 1988, prohibit the use of gill or trammel nets, except as permitted in the bill, in specified ocean waters in Marin and San Mateo counties from May 1 to September 30. The bill would, until January 1, 1988, prohibit those nets, except as provided in the bill, with meshes less than 8 inches in length in specified portions of District 10. The bill would, until January 1, 1988, prohibit those nets with meshes 8 inches or more in length from May 1 to September 30 in specified areas in Marin County. The bill would, until January 1, 1988, prohibit use of those nets in water of specified depth near the Farallon Islands and other offshore areas, as specified, and within 3 nautical miles of those areas, would prohibit use of the nets with meshes less than 8 inches in length from May 1 to August 15. The bill would, until January 1, 1988, restrict the amount of set gill or trammel nets a permittee would be permitted to fish on any day, as specified. The bill would authorize the department to issue 5 permits for experimental use of gill or trammel nets in the areas closed by this bill. The length of nets under these permits would be limited to 250 fathoms and would require them to be of a design specified by the department.

(6) Existing law authorizes the Director of Fish and Game, until January 1, 1985, to restrict or regulate the use or construction of gill nets to protect a fishery resource, as specified.

This bill would extend that authority until January 1, 1988.

(7) Under existing law, nets used for the taking of fish are required to be marked or buoyed in various specified manners.

This bill would, until January 1, 1988, also require gill or trammel nets used to take fish in District 10 to be marked at each end with buoys marked as specified and at both ends and at 250 fathom (1,500 foot) intervals with specified flags.

(8) The bill would make other conforming changes of related provisions and remove obsolete provisions.

(9) Under existing law, until July 1, 1984, moneys in the Fish and Game Preservation Fund are continuously appropriated to the Fish and Game Commission and the Department of Fish and Game for specified purposes.

This bill would, if enacted prior to July 1, 1984, cause added revenue to be deposited in the fund, impose new duties on the department, and require expenditures from the fund, all prior to July 1, 1984, and, thereby, would make an appropriation.

(10) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by creating a new crime or changing the definition of a crime.

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(11) The bill would take effect immediately as an urgency statute.

Ch. 204 (AB 1478) Bane. California American Indian Day.

This bill would direct the Governor to proclaim annually the 4th Friday in September as California American Indian Day.

Ch. 205 (AB 2441) Herger. Juvenile court law: escapes and records.

Existing law authorizes a certified copy of the file in a juvenile case that is transferred from one county to another, as prescribed, to be forwarded to the county to which the case is transferred, as specified. The original court file is required to remain in the files of the transferring county.

This bill would permit, rather than require, the retention of the original file in the transferring county.

Ch 206 (AB 2546) Lewis. Industrial loan companies.

Existing law authorizes industrial loan companies to contract for and receive, in addition to other specified charges, an acquisition fee with respect to a loan of a principal amount not to exceed \$2,500 at a rate not in excess of 5% of the principal amount or \$50, whichever is less. Existing law further provides that only one acquisition fee may be contracted for or received until the loan has been repaid in full. In addition, no acquisition fee may be contracted for or received in connection with refinancing a loan with respect to which an acquisition fee has been received. Existing law repeals those provisions on January 1, 1985.

This bill would (1) revise these provisions to refer to an administrative fee rather than an acquisition fee, (2) delete the restrictions which provide that only one acquisition fee may be contracted for or received until full repayment of the loan and the restriction upon charging an acquisition fee for refinancing a loan with respect to which an acquisition fee has been received, and (3) provide instead that no administrative fee may be contracted for or received in connection with refinancing a loan unless at least one year has elapsed since receipt of a previous administrative fee from the borrower.

This bill would delete the repeal date and thereby continue the provisions beyond 1985.

Ch. 207 (AB 2895) Condit. Juvenile court law.

Existing law provides that it is unlawful to permit a minor who is detained in or sentenced to any institution in which adults are confined to come or remain in contact with those adults.

This bill would provide that in any case in which a minor who is detained in or

committed to a county institution established for the purpose of housing juveniles attains the age of 18 during the period of detention or confinement, he or she may be allowed to come or remain in contact with those juveniles until the age of 19.

Ch. 208 (AB 3618) Roos. Planning: housing elements.

Existing law requires every city, city and county, and county to review the housing element of its general plan as frequently as appropriate to evaluate prescribed matters and to revise the housing element as appropriate, but not less than every 5 years, to reflect the results of the periodic review of the housing element. However, it requires that the first revision of the housing element be accomplished by July 1, 1984.

This bill would still require local governments within the regional jurisdiction of the Southern California Association of Governments to accomplish the first revision of their housing elements by July 1, 1984, but would extend and stagger the period of time for completion of the first and second revisions of those elements by other local governments, as specified.

This bill would take effect immediately as an urgency statute.

Ch. 209 (SB 1793) Russell. Credit unions.

(1) Existing law defines a credit union to be a cooperative corporation, as specified.

This bill would delete reference to a credit union as a corporation in that definition.

~~(2) Under existing law, unless the bylaws of a credit union provide for the position of credit manager, a loan officer must be a member of the credit union and may but need not be a member of the credit committee or an officer or director of the credit union.~~

~~This bill would delete the authorization that a loan officer may, but need not be, an officer or director of the credit union.~~

~~(3) [(2)]*~~ Under existing law, a credit union may establish an allowance for loan losses account.

This bill would require the establishment of an allowance for losses account.

~~(4) [(3)]*~~ Existing law provides for the expulsion of members of a credit union as provided in the bylaws thereof.

This bill would provide an alternate method for the expulsion of a member of a credit union.

~~(5) [(4)]*~~ Existing law specifies that certain actions and amendments to the bylaws may be taken, upon a written vote, as specified.

This bill would delete such provision

~~(6) [(5)]*~~ Under the Nonprofit Corporation Law, the members of a credit union may vote by proxy

This bill would prohibit the members of a credit union from voting by proxy on any matter submitted by mail to all members of the credit union in a written ballot.

~~(7) [(6)]*~~ Existing law provides that a credit union may accept funds held in trust in the name of a trustee, as such, for a specified beneficiary whose residence shall be disclosed to the credit union by the trustee.

This bill would delete that authorization, and provide instead that shares may be issued in a revocable or irrevocable trust, subject to specified conditions.

~~(8) [(7)]*~~ Existing law authorizes a credit union to make loans to its members upon such terms and conditions as the bylaws provide and as the credit committee approves.

This bill would instead authorize a credit union to enter into obligations with its members upon the approval of the credit committee or, in the alternative, the credit manager, subject to the terms and conditions set forth in written policies established by the board of directors.

~~(9) [(8)]*~~ Existing law generally requires applications for loans to be in writing and to state the purpose for, and security for, the loan, but makes an exception as to an extension of credit approved by the credit committee, the credit manager, or a loan officer, as specified.

This bill would revise that exception to apply instead to unsecured extensions of credit in accordance with policies established by the board of directors

~~(10) [(9)]*~~ Existing law exempts certain educational loans from the limit on the aggregate of loans which may be made to a single family

This bill would revise the limitations to which such exclusion applies

~~(11) [(10)]*~~ Existing law defines an insured credit union

This bill would revise the definition of an insured credit union.

~~(12)~~ [(11)]* Existing law contains an exemption for any federal credit union from various provisions of the Payment Instruments Law when selling any payment instrument issued by it.

This bill would extend the exemption to state licensed credit unions, as well

Ch. 210 (SB 1353) Carpenter Vehicles: tinted glass.

Existing law permits factory-installed tinted glass in motor vehicles and the equivalent replacement thereof.

This bill would instead authorize the installation of tinted safety glass meeting standards of the United States Department of Transportation for safety glazing materials if the glass is installed in a location permitted by the standards for the type of glass used

Ch. 211 (SB 931) Marks Peace officers

Existing law does not classify the security director of a public utilities commission of a city and county as a peace officer.

This bill would so specify.

Existing law classifies as peace officers those housing authority patrol officers employed by a local housing authority.

This bill would extend the peace officer classification to housing authority patrol officers employed by the police department of a city and county.

Ch. 212 (SB 1981) Vunch Guarantee of credit union share accounts.

Existing law permits any credit union which is supervised or regulated under the California Credit Union Law to participate in the California Credit Union Share Guaranty Corporation. Each member credit union is assessed a fee equal to $\frac{1}{4}$ of 1% of its share capital to become a participating credit union. There is an additional annual assessment to the fee so that the fee is never less than $\frac{1}{2}$ of 1% of its share capital, as specified.

This bill would require that the corporation establish a guarantee fund with fees at a normal operating level of not less than 1% nor more than 2% of the share capital of participating credit unions, as specified.

Existing law requires the corporation to send written notice of assessment to participating credit unions. Amounts assessed are required to be paid not later than 90 days following the notice.

This bill would refer to capital contributions rather than assessments and reduce the time period for payment to the corporation to 30 days.

The bill would declare the intent of the Legislature that its provisions be given effect retroactive to January 1, 1984. The bill would take effect immediately as an urgency statute.

The bill would make related conforming changes.

Ch. 213 (AB 2393) Clute. Motor vehicles: off-highway motor vehicles; offstreet public parking, weight fees.

(1) Existing law generally prohibits unregistered vehicles on any highway or offstreet public parking facility. Existing law also prohibits any motor vehicle on a highway which is registered in violation of vehicular air pollution laws. Existing law exempts off-highway motor vehicles displaying specified identification plates or devices from the above prohibitions.

This bill would recast the above exemption for off-highway motor vehicles to exempt them only from the above prohibition relating to the use of offstreet public parking by unregistered vehicles. By changing the definition of a crime, this bill would impose a state-mandated local program.

(2) Under existing law, changes in weight fees for commercial vehicles will become operative on January 1, 1985.

This bill would specify that these fee changes will be applicable to initial or original registrations on and after that date and to registration renewals for registration expiring on or after December 31, 1984.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school

districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(4) The bill would take effect immediately as an urgency statute.

Ch. 214 (SB 1725) Keene. Counties. officers.

Existing law requires specified county offices, including that of the public administrator, to be elective offices unless the voters of the county adopt a proposal making an office appointive.

Existing law authorizes the board of supervisors of Mendocino County to provide by ordinance that the public administrator shall be appointed by the board of supervisors, and authorizes, in that county, the same person to be appointed to hold the offices of public administrator, public guardian, and county veteran services officer

This bill would grant similar authority to Del Norte County.

The bill would take effect immediately as an urgency statute.

Ch. 215 (AB 2700) Killea. Criminal law: child abuse and neglect.

Existing law authorizes a prosecuting attorney, upon referral from the local police or sheriff's department, in lieu of prosecuting a person suspected of an act in which a minor was a victim of abuse or neglect, to refer that person for counseling and other services, as specified

This bill would provide that upon conviction of any offense involving child abuse or neglect, the court may require in an order granting probation, in addition to any of the terms of imprisonment, fine, or conditions authorized to be imposed by existing law, that the defendant shall participate in counseling or education programs, or both, as specified.

Ch. 216 (AB 2491) Sher. Fines

Legislation enacted in the 1983-84 Regular Session increased the maximum fines in certain criminal cases. However, certain of these provisions did not become operative because of the enactment of other legislation.

This bill would reenact those provisions

This bill would also increase maximum fines for certain offenses relating to charter-party carriers and certain vehicular driving offenses.

Ch. 217 (AB 2420) Jones. Fair employment and housing. civil actions.

Existing law provides that if the Department of Fair Employment and Housing determines that an accusation will not be issued on a complaint of unlawful employment practices or discrimination in housing, the person claiming to be aggrieved may bring a civil action in the superior court.

This bill would, in addition, permit the person claiming to be aggrieved to bring a civil action in the municipal and justice courts, and to file in any of these courts.

This bill would incorporate additional changes to Sections 12965 and 12980 of the Government Code proposed by AB 2421, to be operative only if both bills are chaptered and become effective on January 1, 1985, and this bill is chaptered last

Ch. 218 (AB 3004) Wyman. Exemptions.

Existing law provides that specified property is exempt from the enforcement of a money judgment. The federal Bankruptcy Law provides that a debtor may exempt property from the bankruptcy estate if it is exempt under state law, or alternatively if it is property exempt under a specified provision of federal law unless state law specifically does not so authorize. Existing California law specifies that the federal exemption is not authorized, but also provides that if a bankruptcy petition is filed, an unmarried debtor, or husband and wife joined in the petition, may elect to utilize the California exemptions or the exemptions set forth in federal law, but not both, and an individual married debtor is authorized to use the federal exemptions if the husband and wife waive the right to use the California exemption, as specified

This bill would provide that the federal exemption is not authorized. It would set forth a new set of exemptions. The bill would provide that if a bankruptcy petition is filed,

those exemptions could be elected in lieu of all other exemptions, as specified.

Ch 219 (AB 3992) D. Brown. Vehicles: permits to park in front of driveways.

Existing law authorizes counties and cities to issue annual permits permitting owners and lessees of property to park in front of their private driveways.

This bill would delete provisions requiring annual permits and would instead make the permits valid for as long as the holder owns or leases the property for which the permit is issued. The bill would specify that these permits may not authorize parking on a sidewalk.

The bill would take effect immediately as an urgency statute

Ch 220 (SB 1523) Deddeh Public retirement and pension allowances: limitations

SCA 36 of the 1983-84 Regular Session would prohibit payment by, respectively, the Legislators' Retirement System or the Judges' Retirement System of any unmodified public retirement allowance or its actuarial equivalent to any former Member of the Legislature or former elected constitutional state officer or former judge, who, on or after January 1, 1985, enters for the first time any state office covered by such system, or to any of their beneficiaries or survivors, which exceeds the higher of (1) the salary receivable by the person currently serving in that office or (2) the highest salary received by the retired person while serving in that office.

This bill would, for the purpose of SCA 36, define "actuarial equivalent," "beneficiary," "salary," and "unmodified pension or retirement allowance".

This bill would become operative only if and when SCA 36 is approved by the electors.

Ch 221 (SB 847) Montoya. Public Utilities Commission. regulatory fees

Under existing law, certain carriers and related businesses are each required to pay a quarterly fee of $\frac{1}{2}$ of 1% of gross operating revenue, or a lesser amount if so fixed by the Public Utilities Commission with the approval of the Department of Finance, for deposit in the Transportation Rate Fund. Existing law provides for the support of the commission from fees levied annually upon carriers and related businesses and public utilities based upon gross intrastate revenue, and permits the Director of Finance to authorize the commission to borrow not more than \$6,000,000 in implementing those provisions from any fund or account, including the Transportation Rate Fund, to be repaid with interest.

This bill would permit the director to authorize the commission to borrow not more than \$10,000,000 under those provisions, and thus would make an appropriation

The bill would also direct the commission, in cooperation with the department and representatives of highway carriers, to investigate and study the feasibility of establishing a variable fee to be paid by highway carriers required to pay the quarterly fee, and to report thereon to the Legislature on or before January 1, 1985.

The bill would take effect immediately as an urgency statute.

Ch 222 (AB 2750) Elder Hazardous liquid pipeline safety. appropriation.

Under existing law, fees collected from operators of hazardous liquid pipelines are deposited in the Operations Account of the California Hazardous Liquid Pipeline Safety Fund. The money in the account is available, upon appropriation by the Legislature, to the State Fire Marshal for carrying out the California Pipeline Safety Act of 1981.

This bill would appropriate \$174,000 from the Operations Account to the State Fire Marshal for the 1983-84 fiscal year for the purpose of carrying out that act

The bill would take effect immediately as an urgency statute

Ch. 223 (AB 2881) Tucker. Patient access to health records

(1) Existing law, with specified exceptions, guarantees patients and former patients of specified health care providers, and certain representatives of patients and former patients, the right to inspect prescribed health records within 5 days after presenting a written request and payment of reasonable clerical costs

This bill would include licensed marriage, family, and child counselors, and licensed clinical social workers within the specified health care providers who are required to provide for the release of information to patients.

(2) Existing law specifies circumstances in which the representative of a minor is not

entitled to inspect or obtain copies of the minor's patient records.

This bill would also deny such records or the inspection thereof by a minor patient's representative if the health care provider determines that access to the records by the minor's representative would have a detrimental effect on the minor's physical safety or psychological well being.

Ch. 224 (SB 1310) Johnson. County flood control.

(1) Under the Siskiyou County Flood Control and Water Conservation District Act, the Siskiyou County Flood Control and Water Conservation District consists of specified territory within Siskiyou County

This bill would permit the annexation or detachment of territory to or from the district in accordance with the District Reorganization Act of 1965. The bill would delete provisions permitting the annexation of territory to the district, in accordance with provisions in effect prior to enactment of the District Reorganization Act of 1965, subject to specified requirements

(2) Under existing law, the Colusa County Flood Control and Water Conservation District is authorized to acquire, including by condemnation, water and water rights and to develop hydroelectric energy.

This bill would permit the power of the district to purchase, lease, or acquire water rights to be exercised only with regard to those rights that may be offered for sale, lease, or acquisition by the person possessing them and would delete the authority to condemn water rights. The bill would also prohibit the acquisition of property already employed in the generation of hydroelectric energy for public utility purposes, except by mutual agreement, and would make other changes

(3) The bill would take effect immediately as an urgency statute

Ch 225 (AB 3016) McAlister. Savings and loan associations

There is in existing law the Savings Association Law which generally regulates savings associations

This bill would revise the definition of a real estate loan and define "commercial paper," "consumer loan," and "corporate debt security" for the purpose of the Savings Association Law.

Existing law authorizes an association to make secured or unsecured loans for agricultural, business, corporate, or commercial purposes if (1) loans made directly by an association do not exceed 5% of the assets of the association prior to January 1, 1984; 7½% prior to January 1, 1985; and 10% of those assets thereafter, and (2) loans made by a commercial bank, bank holding company, or their subsidiaries do not exceed 10% of the assets of the association and authorizes an association to make loans for personal, family, or household purposes not to exceed 30% of the assets of the association

This bill would revise those provisions to authorize an association to make consumer loans if the total does not exceed 30% of the assets of the association and authorize an association to make loans to dealers in consumer goods to finance inventory and floor planning as part of the total investment

The bill would authorize an association to make secured or unsecured loans for agriculture, business, corporate, or commercial purposes if the total does not exceed 10% of the assets of the association, as prescribed.

The bill would authorize an association to engage in leasing activities that are the functional equivalent of leasing, as specified.

This bill would take effect immediately as an urgency statute.

Ch 226 (SB 1309) Johnson Creation of new counties

(1) Under existing law, a county formation review commission is required, among other things, to determine the division of a proposed new county into 5 supervisorial districts.

This bill would specify that the 5 supervisorial districts shall be established in a manner which results in a population in each district which is as equal as possible to the population in each of the other districts within the county. This conforms to what the courts already require under the mandate of "one man one vote"

(2) Under existing law, an election on the question of creating a new county may be consolidated with the next statewide primary election

This bill, until January 1, 1985, would permit the election to be consolidated with the next statewide primary or general election

(3) Under existing law, upon receiving the county formation review commission's determinations, the board of supervisors of each affected county is required to give proclamation and notice of the primary election occurring not less than 74 days after receipt of the determinations and to publish notice of the election in a newspaper of general circulation once a week for 3 weeks commencing not less than 70 days prior to the election.

This bill would change the number of days to 45 and 40, respectively, until January 1, 1985. This action would constitute a state-mandated local program.

(4) Under existing law, if the voters approve the creation of a new county, the selection of county officers and the location of a county seat are decided by the voters at the next statewide general election.

This bill would provide that, if it is determined to create a new county out of portions of El Dorado County, then a special election shall be held before April 1, 1985, to determine the location of the county seat and to select county officers

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

(6) This bill would take effect immediately as an urgency statute.

Ch 227 (AB 1225) McAlister Loans.

Existing law requires every bank to file a copy of various reports which are required by the Federal Reserve System and Federal Deposit Insurance Corporation, with the Superintendent of Banks

This bill would require banks which are required to file information with the appropriate federal banking agency pursuant to the International Lending Supervision Act, to file with the superintendent one copy of all material filed with the federal banking agency pursuant to this act. The bill would also contain a statement of legislative intent

Ch. 228 (SB 1432) Robbins. 1984 Olympic Games: state holiday observance.

Existing law provides for a state holiday on September 9th, known as "Admission Day," and provides that if September 9th falls upon a Sunday, the Monday following is a state holiday

This bill would provide that for 1984 only, the Monday following September 9th shall not be a state holiday. It would require the Governor to designate Monday, August 6, 1984, as a state holiday in lieu thereof.

This bill would not apply to any city, county, city and county, or district unless it is made applicable by charter, or by ordinance or resolution of the governing body

Existing law provides that state employees shall be entitled to the 9th day of September as a holiday, and provides that if that day falls on a Sunday, the following Monday shall be the holiday in lieu of the day observed.

This bill would provide that for 1984 only, whether to observe the holiday on the Monday following the 9th day of September or on Monday, August 6, 1984, shall be subject to meeting and conferring for state employees covered by the State Employer-Employee Relations Act (SEERA) and for California State University employees covered by the Higher Education Employer-Employee Relations Act (HEERA), and for employees not covered by the SEERA, HEERA, and supervisory employees, Admission Day would be observed on the day designated by the Department of Personnel Administration or the Trustees of the California State University, respectively, as most appropriate in light of the day being observed by state employees covered by the SEERA and HEERA.

The bill would express the intent of the Legislature that its provisions shall not change or interfere with the traditional celebrations of "Admission Day" on September 9, 1984

This bill would impose a state-mandated local program since local public agencies and school districts would be required to meet and confer with exclusive representatives of

employees on whether or not to adopt an ordinance or resolution making the provisions of this bill applicable.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

The bill would take effect immediately as an urgency statute.

Ch. 229 (AB 1568) Elder Fish and Game Commission: regulations.

Under existing law, until January 1, 1985, the Fish and Game Commission has the general power to regulate, in a specified manner, the taking or possession of fish, amphibians, birds, mammals, and reptiles for other than commercial purposes and, as specifically provided, for commercial purposes.

This bill would extend that general power until January 1, 1990.

Ch. 230 (AB 2532) Bergeson. School employees: administrative services credentials.

(1) Existing law prescribes the minimum requirements individuals must satisfy before obtaining a services credential with a specialization in administrative services.

Existing law specifies that a candidate formally enrolled, prior to July 1, 1982, in a commission-approved program for the services credential with a specialization in administrative services shall have until June 30, 1984, to complete those requirements for a credential which are in effect on or before June 30, 1982. Existing law specifies that candidates initially enrolled in a commission-approved program on or after July 1, 1982, shall satisfy all of the requirements for the credential set forth under existing law.

This bill would specify that a candidate initially enrolled in a commission-approved program for the services credential with a specialization in administrative services between June 1, 1982, and October 31, 1982, shall have until July 1, 1985, to satisfy all requirements for the credential which were in effect on and before June 30, 1982, if the candidate certifies to the commission, under penalty of perjury, that the institution of postsecondary education which operated the program did not inform the candidate, on or before October 31, 1982, about the credential requirements which became effective on July 1, 1982.

This bill would specify that any other candidate formally enrolled in a commission-approved program for the services credential with a specialization in administrative services shall have until September 30, 1984, to complete those requirements for the credential which are in effect on and before June 30, 1982. This bill would specify that, except as otherwise provided, candidates who complete the requirements for the credential on or after October 1, 1984, shall satisfy all of the requirements for the credential set forth under existing law.

(2) This bill would take effect immediately as an urgency statute.

Ch. 231 (SB 1352) Beverly Structural pest control.

Existing law provides that all complaints against licensees of the Structural Pest Control Board are to be filed with the board within 2 years after an act or omission alleged as grounds for disciplinary action against the licensee.

This bill would provide that in case of fraud, the complaint shall be filed within 4 years after the fraudulent act or omission.

Ch. 232 (AB 1617) Clute. School districts: deferred maintenance.

Under existing law, school districts may receive funds for deferred maintenance. Existing law authorizes the State Allocation Board to reserve each year an amount not to exceed 5% of all funds transferred to the State School Deferred Maintenance Fund for apportionments to school districts in instances of extreme hardship, as defined.

This bill would increase the amount which the State Allocation Board is authorized

to reserve to 10% of all funds transferred to the State School Deferred Maintenance Fund, commencing in the 1983-84 fiscal year.

This bill would take effect immediately as an urgency statute.

Ch. 233 (AB 2488) Costa. Air pollution: implements of husbandry.

Existing law excludes implements of husbandry from vehicular air pollution control laws until January 1, 1985

This bill would extend the exclusion for implements of husbandry to January 1, 1989.

Ch 234 (AB 2806) Kelley. Director of Food and Agriculture: joint programs

Under existing law, certain programs in the Food and Agricultural Code are the joint responsibility of the Director of Food and Agriculture and the county agricultural commissioners. Existing law requires the director to report annually to the Legislature on, among other things, joint programs that are inadequately funded. Existing law also authorizes the director to allocate annually to each county an amount determined by him or her not to exceed $\frac{1}{3}$ of the amount expended by the county during the previous fiscal year for these programs of joint responsibility.

This bill would require the director to make certain findings in the annual report regarding the funding of specified joint programs for the previous fiscal year and the proposed allocation for these programs for the ensuing budget year. The bill would also require the report to specify programs which have been augmented with state funds each year since 1980 for specified reasons and the annual amounts of those augmentations.

Ch 235 (AB 448) Konnyu. Public social services

Existing law provides for various public social services programs which are administered by each county.

Existing law also provides that under the Medi-Cal program each county has a period of 18 months after the end of the calendar quarter in which the costs are incurred in which to submit claims to the state for reimbursement of administrative costs

This bill would provide that, with respect to public social services programs administered by each county, claims for county costs submitted to the State Department of Social Services after July 1, 1985, shall only be reimbursed through federal or state funds when submitted during the 18-month period after the end of the calendar quarter in which the costs are incurred, except that for these programs and for the Medi-Cal program, claims filed after that time may be paid if they fall within exceptions set forth in federal law.

Under existing law, there is a Social Welfare Federal Fund, into which all grants of money received by the state from the United States, the expenditure of which is administered by the State Department of Social Services, are deposited.

This bill would abolish the fund, and transfer the funds to the Federal Trust Fund, effective July 1, 1985. This bill would also abolish the Support Enforcement Incentive Fund and the Interstate Collection Incentive Fund, effective July 1, 1985

Ch 236 (SB 1122) Royce. Criminal procedure

Existing law provides certain restrictions on the disclosure of information between parties in criminal proceedings.

This bill would provide that notwithstanding any other provision of law, the prosecution shall not be required to furnish to the defendant, but only to his or her attorney, the address or telephone number of any victim or witness absent a showing of good cause as determined by the court unless the defendant is acting as his or her own attorney.

Ch. 237 (AB 2464) Hannigan. Courts: Sacramento and Yolo Counties.

Existing law does not provide for a municipal court district in the general area known as the South Sacramento County Judicial District

This bill would create the South Sacramento County Municipal Court District, provide for one judge; and specify the number, compensation, classification, or conditions of employment of personnel of the district.

Existing law specifies the number, classification, and compensation of various officers and employees of the municipal court in Yolo County.

This bill would revise the number, classification, and compensation of various officers

and employees of the municipal court in Yolo County.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 238 (AB 3221) Vasconcellos. Santa Clara County nonprofit hospital: sale: foundation

Existing law contains no provision respecting the sale of a nonprofit general acute care hospital in Santa Clara County with proceeds thereof accruing to a nonprofit foundation for making gifts for certain charitable purposes.

This bill would add such an uncoded provision to remain in effect only until January 1, 1987, as specified.

It would also take effect immediately as an urgency statute, for a specified reason.

Ch. 239 (AB 2408) Wyman. Vehicles: habitual traffic offenders.

(1) Existing law designates as a habitual traffic offender any person who accumulates a driving record history while his or her driver's license is suspended or revoked. For this purpose, a "driving record history" is defined to mean specified numbers of convictions, accidents, or failures to appear in a 12-month period of license suspension or revocation. Existing law requires the Department of Motor Vehicles to execute and transmit a notice by certified mail to the district attorney when the department receives a specified record which designates a person as an habitual traffic offender.

This bill would require, for purposes of these provisions, that the license suspension or revocation period resulted from an offense of driving under the influence of alcohol or drugs or from negligent driving. The bill would delete failures to appear from the violation point count for purposes of these provisions, and would include a violation point count of 3 or more in a 12-month period in the definition of "driving record history" for the above purposes. By changing the definition of a crime, this bill would impose a state-mandated local program. The bill would delete the existing requirement that the department send the notice of the designation of an habitual traffic offender to the district attorney by certified mail, and would instead authorize, rather than require, the department to send this notice, by regular mail.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 240 (AB 2278) McAlister. Mineral rights.

Existing statutory law contains no provisions relative to an action to terminate a mineral right (other than provisions to enable termination of certain surface entry rights), although the courts have recognized an action to terminate certain mineral rights based on nonuse and intent to abandon.

This bill would authorize the owner of real property subject to a mineral right to bring an action to terminate the mineral right, if it is dormant, as specified. The owner of a mineral right generally could prevent the mineral right from becoming dormant, other than by the production of or exploration for minerals or by paying taxes on the right, by recording a notice of intent to preserve the mineral right, as specified.

This bill would provide that a terminated mineral right is unenforceable and is deemed to have expired.

This bill would apply to all mineral rights, whether executed or recorded before, on, or after January 1, 1985.

Ch 241 (AB 2343) Moore. Real property: cotenants. ouster.

Existing decisional law concerning whether a cotenant in possession is under any duty to pay rent to a cotenant out of possession provides that the former is not under a duty to pay the latter for use and occupation, except where there is an agreement or statute imposing that duty, or where there has been an "ouster" of the cotenant out of possession by the cotenant in possession. The term "ouster" has been variously defined by decisional law.

This bill would create a statutory procedure for establishing an ouster of the cotenant out of possession by the cotenant in possession. The bill's provisions would apply to property acquired before, on, or after the operative date of the bill

Ch. 242 (AB 1246) Elder. Aquatic resources: kelp.

(1) Under existing law, a license from the Department of Fish and Game is required to harvest kelp or other aquatic plants for profit, and the Fish and Game Commission is authorized to make regulations to ensure proper harvesting. Royalties on the harvest are prescribed and the commission may lease exclusive harvesting beds, as specified. The commission is authorized to establish fees by regulation for the issuance of, among other things, a permit, as specified.

This bill would require a permit, and would authorize the department to issue the permits, for the drying of agar-bearing marine plants for profit. The permits would be subject to regulations of the commission

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would impose a state-mandated local program by creating a new crime.

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 243 (AB 2492) Sher. Transfers to minors.

Existing law contains the California Uniform Gifts to Minors Act, which sets forth a method for making gifts to minors, to be held, managed, and invested by a custodian, and expended for the support, maintenance, education, and benefit of minors, and distributed to them at age 18.

This bill would repeal the California Uniform Gifts to Minors Act, and would enact the California Uniform Transfers to Minors Act. Among other things, it would effect the following changes.

The California Uniform Gifts to Minors Act provides for transfers to minors by gifts

This bill would also provide for the transfer of property to minors, to be held by a custodian, from parties indebted to minors. It would also authorize transfers from trusts, estates, and guardianships.

The California Uniform Gifts to Minors Act generally provides for custodial property to be held by a custodian and distributed to a minor only for specified purposes until the minor reaches the age of 18, when the property would be given to the minor, and the custodianship would be terminated.

This bill would permit a custodianship to continue after the minor attains the age of 18 in specified instances, but not beyond 21 or 25, depending upon the method of transfer that created the custodianship, if there is express provision for the higher age, as specified.

This bill would provide that claims based upon obligations, contracts, or torts, relating to the custodial property may be asserted against the custodial property in an action against the custodian in the custodial capacity. It would limit the personal liability of the custodian or minor for claims relating to the property to situations where the custodian or minor is at fault, as specified.

The bill would make related changes.

Ch 244 (AB 2794) Naylor. Air pollution: vehicle for disabled persons.

Under existing law, the State Air Resources Board is required to adopt and enforce emission standards for new motor vehicles, and no new motor vehicle or motor vehicle engine may be certified by the state board unless it meets the emissions standards pursuant to test procedures adopted by the state board. No person may import any new

motor vehicles or new motor vehicle engine into this state which has not been certified by the state board for sale or resale to an ultimate purchaser in this state.

This bill would require the state board to waive the provisions of the air pollution law in certain cases to allow importation of vehicles designed only for use for disabled persons.

The bill would take effect immediately as an urgency statute

Ch. 245 (AB 2167) Condit. Vital statistics: footprints.

(1) Existing law requires the administrator of a hospital, or the representative designated by him or her in writing, to prepare and register birth certificates with the local registrar

This bill would require the child's footprints, upon a parent's request, to be placed on a separate sheet of paper from the birth certificate and provided to the parents. The child would be footprinted prior to discharge from the facility. The footprint would not be required to be retained or kept on file, and would only be required to be prepared for the parents prior to discharge from the hospital. The bill would impose a state-mandated local program by requiring hospitals of local public agencies to comply with this requirement.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill would provide that, notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch. 246 (AB 2299) Lancaster Air pollution: vehicular emission control.

(1) Existing law contains special emission standards for limited-production vehicles, as defined, and special procedures by which emission compliance may be determined by an engineering evaluation in lieu of the certification test procedures applicable to new nonlimited-production vehicles. Existing law permits the State Air Resources Board to certify a new motor vehicle required to use unleaded gasoline only if it operates on gasoline having a research octane number not greater than 91.

This bill would repeal the above provisions.

(2) Existing law generally requires each application for the issuance of a motor vehicle registration to be accompanied by a certificate of compliance from a licensed motor vehicle pollution control device installation and inspection station indicating that the vehicle is in compliance with emission standards, as specified. However, new motor vehicles under 8,500 pounds gross vehicle weight may be registered without that certificate if the dealer provides a specified statement indicating that the motor vehicle has been certified by the state board to meet required emission standards.

This bill would authorize registration of new motor vehicles of 8,500 pounds gross vehicle weight or more without a certificate of compliance, if the dealer provides such a statement.

(3) Existing law imposes a special fee for the original registration of prescribed vehicles with high-compression engines that do not meet emission standards prescribed by statute or regulation.

This bill would repeal these provisions.

Ch. 247 (AB 2392) Clute. New Motor Vehicle Board: motorcycles: headlamp switch for authorized emergency vehicles.

(1) Under existing law, the Department of Motor Vehicles is required to provide the New Motor Vehicle Board with necessary personnel, facilities, equipment, and supplies as the board opines may be necessary, as specified.

This bill would add services to those items the department is required to provide, and it would also authorize the board to contract with the department or another state agency for those items, as determined by the board to be appropriate.

(2) Existing law imposes limitations and conditions on the termination or refusal to continue a franchise, which is defined to mean, among other things, an agreement for the sale of new motor vehicles, notwithstanding any term of the franchise. Existing law also prohibits termination, cancellation, or failure or refusal to renew a franchise, which is defined to mean, among other things, a contract between parties marketing specified petroleum products, without good cause, as specified.

This bill would expressly provide that the above provision regarding petroleum franchise actions does not apply to the limitations and conditions on termination or refusal to continue a franchise for the sale of new motor vehicles.

(3) Existing law requires motorcycles manufactured and registered on or after January 1, 1978, to be equipped with 1 or 2 headlamps that automatically light and remain on while the engine is running.

This bill would permit motorcycles that are authorized emergency vehicles to be equipped with a switch to turn off the headlamp during emergencies or when the light would interfere with law enforcement. The bill would require the switch to be removed before reselling the motorcycle.

Ch. 248 (AB 727) Young. Healing arts boards.

Existing law specifies that the Board of Vocational Nurses and Psychiatric Technician Examiners is to be composed of 11 members, 3 of whom are to be licensed vocational nurses who have been licensed for at least 3 years prior to appointment.

This bill would provide that one of those 3 licensed vocational nurse members shall have at least 3 years experience in skilled nursing facilities, as specified.

The bill would make a statement of legislative findings and declarations.

Ch. 249 (AB 3472) Harris. Family law.

Existing law provides that neither the separate property of a spouse nor the earnings of the spouse after marriage is liable for the debts of the other spouse contracted before the marriage.

This bill would specify that neither the separate property of a spouse nor his or her earnings after marriage, if the earnings are held in a deposit account as prescribed, is liable for a child support obligation of the other spouse that does not arise out of the marriage. This change would not become operative if AB 1460 is enacted and repeals the statute that would be affected by this bill.

This bill also would make additional changes in 2 sections proposed to be added to the Civil Code by AB 1460, contingent upon the prior enactment of AB 1460.

Ch. 250 (AB 2876) Connelly. Clerks: county and courts.

(1) Existing law authorizes a county board of supervisors to designate the county clerk as commissioner of civil marriages, and authorizes the commissioner to appoint deputy commissioners, and permits the commissioner and deputy commissioners to perform marriages within the county during such periods as the board of supervisors has specified by resolution as requiring the availability of commissioners of civil marriages to perform marriages by civil ceremony.

This bill would also permit a retired commissioner of civil marriages to perform civil marriages, would remove limitations as to the time and place that a commissioner or deputy commissioner of civil marriages is authorized to perform marriages, and would designate the county clerk of each county as a commissioner of civil marriages, rather than authorizing the county board of supervisors to designate the county clerk as such.

(2) Existing law provides that, in the case of a money judgment, the entry of renewal shall show the amount of the judgment as renewed and this amount includes the fee for the filing of the application for renewal, except that in the case of a money judgment payable in installments previously renewed the fee for filing an application is in addition to the amount of the judgment as renewed under the latest renewal. Existing law does not specify the amount of the fee.

This bill would require that the filing fee for the renewal of any money judgment be as set by the board of supervisors, but not to exceed the actual cost of providing the

service. It would provide that this provision shall not become operative if AB 2295 is chaptered after this bill and amends a specified provision of law.

(3) Existing law requires the county clerk to certify monthly to the county auditor a list of persons committed to any public institution in the state, including a statement of the reason for the commitment, and the term of the commitment.

This bill would delete that requirement

(4) Existing law prohibits the county clerk from destroying the transcript of a preliminary hearing in a criminal case without the district attorney's written consent

This bill would delete that prohibition.

(5) Under existing law, the county clerk is required to post weekly, and maintain posted for 30 days, a list of certain notices regarding projects to be undertaken by local agencies and the applicability of the California Environmental Quality Act to those projects.

This bill would, instead, require posting of the notices, rather than requiring the preparation and posting of a list of the notices. Additionally, the bill would permit the county clerk to destroy the notices following the 30-day posting period.

(6) Chapter 27 of the Statutes of 1984, which will become effective January 1, 1985, in the absence of further legislation, among other things will repeal a provision of existing law authorizing a court, on its own motion, to order the destruction or other disposition of exhibits or depositions, as specified, after the expiration of certain time periods, except for a limited period of time if a party files a written notice requesting the preservation of an exhibit or deposition.

This bill would continue that provision as part of the law

(7) The bill would incorporate additional changes in Section 21152 of the Public Resources Code made by SB 682, to be operative only if this bill and SB 682 are enacted and become effective January 1, 1985, and this bill is enacted last

Ch. 251 (SB 1315) Johnson. Board of Forestry: Range Management Advisory Committee: creation.

Under existing law, the State Board of Forestry establishes policy direction for the Department of Forestry in, among other areas, rangeland management.

This bill would require the board to appoint a Range Management Advisory Committee consisting of 11 members, as specified, and to consult with the committee on rangeland resource issues. The bill would require the members of the advisory committee to serve without compensation. The bill would also authorize the Secretary of the Resources Agency to consult with the committee.

Ch. 252 (AB 1285) Young. Workers' compensation: Self-Insurers' Security Fund.

Existing law requires a private self-insuring employer to deposit combinations of a surety bond, trusts, cash, and securities in an amount determined by the Director of Industrial Relations to secure liabilities for the payment of workers' compensation, with a minimum deposit of \$100,000 or 100% of the private self-insurer's liability for the payment of workers' compensation, whichever is greater

This bill would also permit the deposit to include an irrevocable letter of credit, would increase the minimum deposit to \$200,000 or 125% of the private self-insurer's liability for compensation, whichever is greater, and would require the private self-insured employer to make the deposit within 60 days of filing its report with the director, but not later than May 1

This bill would establish the Self-Insurers' Security Fund as a Nonprofit Mutual Benefit Corporation, with each private self-insured employer required to participate as a member in the fund as a condition of maintaining its certificate of consent to self-insure. The fund would be governed by a 7-member board of trustees, consisting of the director and 6 representatives of private self-insurers. Upon order of the director, the fund would be required to assume the workers' compensation obligations of an insolvent self-insurer. The fund would be permitted to assess each of its members a pro rata share of the funding necessary to carry out its obligations, within specified limitations.

This bill would also provide for the appointment and election of the board of trustees of the fund, specify the rights and obligations of the fund, specify the duties of the director with regard to insolvent private self-insured employers and the administration of the fund, and make various other provisions with regard to the Self-Insurers' Security

Fund.

This bill would provide that if any provision of this bill is held invalid, that invalidity shall not affect other provisions of the bill which can be given effect without the invalid provision.

This bill would take effect immediately as an urgency statute.

Ch. 253 (SB 1358) B Greene 1984 Summer Olympic Games. military support functions.

Under existing law, the Governor may call into active service such portion of the active militia as may be necessary in case of war, insurrection, public calamity, or imminent danger thereof or for other reasons specified by statute.

This bill would authorize the Governor to call any portion of the active militia into service as he deems necessary to prepare for and provide logistical military support, as specified, for public safety agencies in connection with the 1984 Summer Olympic Games. The bill would also direct the Adjutant General to actively seek federal funding for purposes of the bill and authorize agreements with the federal government, which provide for direct federal funding or federal fund reimbursement to the state, for such services as the Military Department may furnish to public safety agencies in connection with the 1984 Summer Olympic Games.

The bill would take effect immediately as an urgency statute, and would be repealed on January 1, 1985.

Ch. 254 (AB 1110) Areias. Surface mining.

(1) Under the Surface Mining and Reclamation Act of 1975, no person may conduct surface mining operations, as defined, unless a permit has been obtained from, and a reclamation plan has been filed with and approved by, the city or county having jurisdiction over those activities under the act.

This bill would require the lead agency receiving an application for the issuance or renewal of a permit to conduct surface mining operations, where those operations are proposed in the 100-year flood plain of any stream and within one mile of any state highway bridge, to notify the Department of Transportation that the application has been received. The bill would permit the department to review and comment on the proposed operations with respect to any potential damage to the bridge from those operations and would prohibit the lead agency from issuing or renewing the permit until the department has submitted its comments or until 45 days from the date of submittal of the application, whichever is first. By requiring local agencies to engage in this process, the bill would impose a state-mandated local program.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 255 (SB 1865) Robbins. Vehicles: removal from private property.

Under existing law, the owner or person in lawful possession of private property may cause the removal of a vehicle parked on the property to the nearest public garage under specified conditions.

This bill would make the owner or person in lawful possession of any private property causing such a removal responsible for stating the grounds for the removal if requested by the legal or registered owner of the vehicle. The bill would exempt the towing company from responsibility for the validity of the removal when the removal is with the authorization of the property owner or the property owner's agent. The bill would

make the towing company responsible for (1) any damage to the vehicle in the transit and storage of the vehicle and (2) towing the wrong vehicle

The bill would deem possession of the vehicle to arise when a vehicle is removed from private property and is in transit.

Ch. 256 (SB 775) Presley. Foods. California Uniform Retail Food Facilities Law.

(1) Existing law contains various provisions regulating restaurants, retail food production and marketing establishments, bakeries, itinerant restaurants, food vehicles, and other food establishments.

This bill would repeal these laws, and would instead enact the California Uniform Retail Food Facilities Law which consolidates and revises the existing laws regulating restaurants, retail food production and marketing establishments, bakeries, itinerant restaurants, food vehicles, and other food establishments.

Among other things, the bill would (1) require a person proposing to build or remodel a food facility, as defined, to submit complete plans and specifications to the local enforcement agency and to obtain a permit, and (2) impose a state-mandated local program by providing that a violation of this law, or regulations adopted pursuant to this law, would be a misdemeanor, punishable by a fine of \$25 to \$1,000, or by imprisonment in a county jail not to exceed 6 months, or both.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 257 (SB 2037) Mello. Pajaro Valley Water Management Agency- Lompico County Water District.

(1) Under existing law, there are no specific provisions providing for the management of the Pajaro Valley Groundwater Basin.

This bill would enact the Pajaro Valley Water Management Agency Act which would provide for creation, upon the approval by the voters thereof, of the Pajaro Valley Water Management Agency and would prescribe the organization, boundaries, management, powers, duties, and financing of the agency. The bill would impose a state-mandated local program by requiring an election to be held at the time of the 1984 general election on whether the agency should be organized

(2) Under existing law, the powers of a district organized pursuant to the County Water District Law include the acquisition, construction, and operation of sewage treatment facilities, but generally do not include the power to correct or prevent pollution or contamination of the waters of the district.

This bill would authorize the Lompico County Water District to carry on investigations, examinations, and tests of all kinds of the waters within the district; to require persons discharging from onsite waste water disposal systems to register the system with the district; to charge annual registration fees, to review and comment upon applications to the County of Santa Cruz for permits for those systems; to enjoin the discharges; to prevent or abate pollution or nuisance caused by the discharges, and to recover costs of those abatements from dischargers by civil suit. The bill would also provide that that recovery and costs of that abatement would also be a lien on certain real property and collectible in the same manner as district taxes are collected

The bill would also authorize the district to adopt regulations, not in conflict with state law or county ordinances, for onsite waste water disposal systems and would require the district to secure compliance with any federal, state, regional, or local law or regulation relating to water pollution or discharges from the systems. The bill would authorize either the district or the County of Santa Cruz to contract with the other party for any services or activities authorized under the bill. The bill would authorize the district to use the Improvement Act of 1911, the Municipal Improvement Act of 1913, or the Improvement Bond Act of 1915 to accomplish specified pollution abatement work. The bill would impose a state-mandated local program by making violation of district regulations a misdemeanor, punishable as prescribed.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for specified reasons.

(4) The bill would take effect immediately as an urgency statute.

Ch. 258 (AB 2313) Vasconcellos. Budget.

Makes appropriations for support of state government for the 1984-85 fiscal year.

To take effect immediately, urgency statute.

Ch. 259 (AB 2001) McClintock. Coastal zone: agricultural land.

The California Coastal Act of 1976 provides for the planning and regulation of development within the coastal zone, as defined, which shall be based on various coastal resources planning and management policies set forth in the act. These policies, among other things, require that conflicts be minimized between agricultural and urban land uses by limiting conversion of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

This bill would require consideration of an economic feasibility evaluation to contain specified elements in the determination of the term "viability" for purposes of these provisions, with respect to any local coastal program and proposed amendments thereto submitted pursuant to the act.

Ch. 260 (AB 3738) Bergeson. Minors.

Existing law provides for certain alternative dispositions by a peace officer or probation officer of minors who are taken into temporary custody because they come within specified descriptions relating to being a dependent child of the court, and notwithstanding the above alternative dispositions, provides that an officer may take the minor to a community service program for abused or neglected children.

This bill would impose certain duties on these agencies and provide for a review of their dispositions, as specified.

Existing law provides for certain alternative dispositions by a peace officer of minors who are taken into temporary custody because they come within specified descriptions relative to being a ward of the court.

This bill would revise these dispositions to include the alternatives of releasing the minor upon notice to the minor and a parent, guardian or responsible relative.

The disposition under existing law also includes referral or delivery to a public or private agency to provide specified services.

This bill would impose certain duties on these agencies and provide for a review of their dispositions, as specified.

This bill would also continue certain provisions specifying the proper county for commencement of proceedings in the juvenile court which are scheduled for repeal on January 1, 1985.

Ch 261 (SB 949) Carpenter. Horseracing

Under existing law, the California Horse Racing Board may allocate 15 weeks of harness racing per year in the central zone and 10 weeks of harness racing per year in the southern zone.

This bill would authorize the board, for the 1984 year, to allocate in the southern zone any part of the 15 weeks authorized for allocation in the central zone. These provisions of the bill would be repealed on January 1, 1985.

The bill would take effect immediately as an urgency statute.

Ch. 262 (SB 2334) Ellis. Fireworks: special districts.

(1) Under existing law, the state has enacted a comprehensive program regulating the sale and use of fireworks in the State Fireworks Law, but has expressly permitted

counties and cities to further regulate the use or discharge of fireworks. Existing law, however, does not permit counties and cities or any special districts to prohibit or regulate the sale of fireworks within their respective jurisdictions.

This bill would permit a special district that provides fire protection, prevention, or suppression services to adopt an ordinance or regulation to prohibit or regulate the sale, use, or discharge of fireworks within the district. However, if the county or city in which any area of the special district is located has adopted an ordinance or regulation to prohibit or regulate the sale, use, or discharge of fireworks within that county or city, the ordinance or regulation adopted by the county or city would prevail over the ordinance or regulation adopted by the special district within any area of the special district which is within that county or city, and only the ordinance or regulation adopted by the county or city would be operative within that area of the special district. The bill would give a similar precedence to prohibitions and regulations adopted by the state within a state responsibility area, as defined, which is located within a special district.

(2) This bill would become operative only if SB 2333 is enacted, as specified

(3) This bill would take effect immediately as an urgency statute.

Ch. 263 (SB 2008) Mello. Uninsured motorists.

Existing law provides that, except as specified, a policy of motor vehicle liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle shall not be issued or delivered unless the insured has been offered uninsured motorist coverage covering property damage to the insured vehicle caused by an uninsured motor vehicle.

This bill would provide that those requirements apply to a policy of bodily injury liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle.

Existing law provides for those purposes that "property damage" means payment, not to exceed \$3,500, for loss or damage to the insured motor vehicle, but does not include compensation for loss of use of the motor vehicle.

This bill would provide that "property damage" means payment for loss or damage to the insured motor vehicle, not to exceed its actual cash value or \$3,500, whichever is less, for which loss or damage the insured is legally entitled to recover from the owner or operator of an uninsured motor vehicle, but does not include compensation for loss of use of the motor vehicle.

The bill would also provide that payments for that property damage coverage shall be payable under the terms and conditions set forth in the policy.

Existing law provides for payment if, among other things, it is determined by the insured and insurer or, in the event of disagreement, by arbitration, that the insured is legally entitled to recover the payments from the owner or operator of the uninsured motor vehicle.

This bill would provide for payment if, among other things, it is determined by the insured and insurer, or, in the event of disagreement, by arbitration when the arbitration has been formally initiated by the insured within one year of the date of the accident, that the insured is legally entitled to recover.

Existing law provides that a named insured may elect not to accept uninsured motorist coverage covering property damage.

This bill would also provide that a named insured may elect to waive the coverage when a motor vehicle is used or operated by a person or persons designated by name.

Existing law specifies that an insurer paying a claim under that provision is entitled to be subrogated to the rights of the insured against any person legally liable for the injury or death.

This bill would change the reference to provide that the insurer is entitled to be subrogated to the rights of the insured against any person legally liable for the damage to the insured motor vehicle.

The bill would require an insurer whose insured has made a claim that is pending to notify the insured of the statute of limitation applicable to property damage, and would provide for the tolling of the statute of limitation, if notice is not given, as specified.

The bill would take effect immediately as an urgency statute.

Ch. 264 (AB 3849) Margolin. Selective provider contracts.

Under existing law, it is provided that for the 1982-83 and 1983-84 fiscal years, defined children's hospitals and charitable research hospitals need not contract under the Medi-Cal selective provider contract provisions. Services provided by these hospitals shall be reimbursed according to the state plan.

This bill would provide that children's hospitals, but not charitable research hospitals, shall be exempt from Medi-Cal provider contract provisions until October 31, 1984. It would provide that services provided by these hospitals prior to November 1, 1984, shall be reimbursed according to the state plan for the Medi-Cal program in effect on January 1, 1984.

It would also provide that commencing November 1, 1984, reimbursement under the state plan to children's hospitals shall be on a basis that reflects the relative severity of pediatric diagnostic case types. This provision would remain in effect until November 1, 1987, and as of that date would be repealed. The California Medical Assistance Commission would be required to report its findings on the reimbursement methodology required by this bill to the Legislature by March 30, 1987.

This bill would take effect immediately as an urgency statute.

Ch. 265 (SB 1576) Boatwright. Parole county: fees

Existing law does not provide for payment by the prisoner of the costs of parole supervision by the county board of parole commissioners.

This bill would provide for those payments, as specified, and would provide that the prisoner's financial status would not be available to the county board of parole commissioners prior to the rendering of any parole decision.

The above provisions of the bill would remain in effect only until January 1, 1990, and then would be repealed.

Existing law provides for court hearings to determine a defendant's ability to pay the costs of public or publicly appointed legal assistance, of probation, and of incarceration in local facilities as a term of probation.

This bill would direct the court to consolidate the ability to pay hearings, if practicable, together with the hearing on ability to pay the cost of parole supervision, and would provide that the single resulting determination of ability to pay may be used for each of the above hearing purposes.

Ch. 266 (AB 2198) Goggin. 1984 Olympic games.

Under existing law, moneys in the 1984 Olympic Reflectorized License Plate Account in the State Transportation Fund are available upon appropriation by the Legislature for security, traffic control, and law enforcement in relation to the 1984 Olympic games at Los Angeles.

This bill would appropriate \$1,200,000 to the Department of the California Highway Patrol for that purpose, to be disbursed from the next moneys deposited in the account after the funds are available to satisfy other specified appropriations.

The bill would take effect immediately as an urgency statute.

Ch. 267 (AB 3073) Vasconcellos. Fiscal affairs. contingencies or emergencies

(1) The Budget Act of 1983 appropriated money from the General Fund, special funds, and nongovernmental cost funds for expenditure for contingencies or emergencies upon written authorization from the Department of Finance or the Director of Finance, as specified.

This bill would appropriate \$158,351,000, as allocated, in augmentation of those appropriations.

(2) The bill would authorize the Director of Finance to withhold authorization for the expenditure of funds so provided until preliminary estimates of potential deficiencies are verified.

(3) The bill would take effect immediately as a statute providing an appropriation for the usual current expenses of the state.

(Next page is 83)

Ch 268 (SB 1379) Alquist Fiscal affairs

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† Senate Bill No. 1379 is the Budget Implementation Act. It is an integral part of the Budget process. I have made a number of reductions in appropriations and sections contained in the Budget Act. In order to fully implement my actions, I must also make conforming changes in this bill.

On that basis, I object to the following sections contained in Senate Bill No. 1379:

Section 03

I am eliminating this section which would require an appropriation for the Board of Medical Quality Assurance to contract for an educational and technical assistance program for physicians.

I have reduced Budget Act Item 1390-046-758 by \$1,000,000 for support of the Board of Medical Quality Assurance. The action was taken on the basis that it is the Board's responsibility to regulate and license, not to provide education and technical assistance.

The elimination of this section conforms to my action on the Budget.

Section 18.5

I am eliminating the provisions related to space in a state parking garage.

I have reduced Budget Act Item 1760-301-036 by \$5,878,000 to eliminate funds for acquisition, preliminary plans, working drawings, and construction for a Sacramento parking garage.

The elimination of this section conforms to my actions on the Budget.

Section 23.6

I am eliminating the extension of the sunset date for continuous appropriations.

The Budget Act for 1984-85 contains the same provision. Because the Budget Act is for one year, it is a more appropriate placement for this provision.

Section 30

I am modifying this section in the following manner:

(e) I am reducing the transfer to the Capital Outlay Fund for Public Higher Education for 1984-85 from \$105,700,000 to \$104,968,000.

(g) I am eliminating this provision:

(h) I am deleting: "the amount of one hundred three million nine hundred thirty-eight thousand dollars (\$103,938,000) "

(i) I am reducing the amount to be deposited in the appropriated surplus of the General Fund from a maximum of twenty-four million six hundred seventy-four thousand dollars (\$24,674,000) to one dollar (\$1).

The effect of these adjustments will be to retain within tidelands revenues sufficient funds to provide \$50 million for K-12 school construction should the Legislature act to provide the authority.

These actions are conforming to my actions on the Budget in Section 11.50.

Sections 37.1 and 37.2

I am eliminating the Intrastate Funding Formula for allocation of additional nutrition funds.

I have reduced Budget Act Item 4170-101-001 by \$5,674,000 because my proposed budget included sufficient General Fund augmentations to provide a 4 percent increase in total funds available for senior nutrition services. Also, I believe the equity funding issue among the 33 Planning and Service Areas (PSA) should be resolved by allocating any additional Federal funds received to those PSAs that are underfunded.

The elimination of this section conforms to my actions on the Budget.

Section 45.5

I am eliminating the adjustment relating to beginning date of aid for AFDC recipients.

I have reduced Budget Act Item 5180-101-001 by \$9,776,000 and Budget Act Item 5180-101-866 by \$10,385,000 to maintain current policies regarding effective date of aid.

Current law provides that the beginning date of aid for an AFDC recipient is the day of eligibility or the first of the following month, but not later than 30 days from the date of application. The intent of the AFDC Program is to provide for cash assistance to meet current needs. As a matter of fact no payment is made to an AFDC recipient until eligibility is determined, and payments would not begin any sooner under the legislative proposal.

The elimination of this section conforms to my actions on the Budget.

Section 47.5

I am eliminating the Welfare Employment Services and Training Project.

I have reduced Budget Act Item 5180-141-001 by \$3,000,000 to eliminate funding for the Welfare Employment Services and Training Project. The project would conflict with current policy which provides that AFDC recipients be required to participate in Work Incentive (WIN) programs that would enable them to become employed as quickly as possible.

The elimination of this section conforms to my actions on the Budget.

Section 54.3

I am eliminating the legislative augmentation to allow all FDA approved nonsteroidal anti-inflammatory drugs to be included in the Medi-Cal Drug Formulary.

I have reduced Budget Act Items 4260-101-001 and 4260-101-890 by \$1,558,000 each. These items were intended to fund the requirement that all FDA approved nonsteroidal anti-inflammatory drugs be included in the Medi-Cal Drug Formulary. I do not feel it is desirable to make all of these drugs available through the formulary based solely on FDA approval until they have been proven safe in widespread use.

(01) Existing law requires certain elected and appointed state officials to post official bonds guaranteeing their faithful performance while in office

This bill would repeal those provisions.

(02) Existing law generally authorizes boards, bureaus, committees, commissions, and programs in the Department of Consumer Affairs to respond to requests for fiscal data from Members of the Legislature or their staff.

This bill would provide that, notwithstanding any other provision of law, no board, bureau, committee, commission, or program in the department shall submit to the Legislature any fiscal impact analysis relating to legislation pending before the Legislature until the analysis has been submitted to the Director of Consumer Affairs for review and comment, as prescribed.

(03) The Board of Medical Quality Assurance has responsibility for the licensing, discipline, and regulation of physicians in this state.

This bill would require the board to contract by September 1, 1984, for the design and implementation of an educational and technical assistance program, as specified, for physicians.

(05) Existing law provides that the Contractors' State License Board shall not be precluded from disclosing to the public general information regarding complaints filed against a licensee, and sets forth various authorizations and prohibitions relating to the disclosure of specified information regarding complaints, citations, and disciplinary actions involving a licensee. Existing law provides that these provisions shall remain in effect only until July 1, 1984, and as of that date are repealed.

This bill would delay the repeal date of those provisions until July 1, 1985.

(07) Existing law provides that, with specified exception, all money collected by the State Athletic Commission is to be deposited in the Athletic Commission Fund and authorizes the Director of Finance to allocate a loan to the fund not to exceed the amount appropriated to the fund in the Budget Act each year

This bill would delete those provisions, would abolish the fund, and would provide that all money received by the commission is to be deposited in the General Fund

The elimination of this section conforms to my actions on the Budget

Section 54 35

I am eliminating the legislative augmentation to reimburse nursing homes for providing laundry and haircut services to Medi-Cal beneficiaries

I have reduced \$3,885,000 in Budget Act Item 4260-101-001 and \$3,885,000 in Budget Act Item 4260-101-890 because I support an alternative proposal now being considered by the Legislature to increase the personal and incidental needs allowance of Medi-Cal beneficiaries in long-term care facilities. The increased allowance now being considered may be used for laundry, haircut or other needs. I believe this alternative proposal would more equitably benefit all Medi-Cal beneficiaries by permitting them to decide how to best meet their personal needs.

The elimination of this section conforms to my actions on the Budget

Section 67 9

I am eliminating this section which would require the Department of Forestry to add 69.6 personnel years to its Schedule A fire protection program and would limit its administrative authority under the Schedule B fire protection program

I have eliminated Provision 8 in Budget Act Item 3540-001-001 which contains similar provisions

The Department of Forestry has adopted a plan which will enable it to fulfill its Schedule A requirements for the 1984-85 fiscal year. The constraints placed on the Executive Branch in Schedule B regarding the use of personnel is an unconstitutional infringement on the Executive Branch's authority to manage State programs.

The elimination of this section conforms to my actions on the Budget

Section 67 92

I am eliminating contracting with county veterans organizations for job services by the Employment Development Department

I have reduced Budget Act Item 5100-001-870 by \$167,000 which was intended to fund contracts with local veterans groups. A review will be conducted during the early part of the 1984-85 fiscal year to determine the appropriate uses of these federal funds.

The elimination of this section conforms to my actions on the Budget

Section 67 93

I am eliminating this section which appropriates \$587,000 for support of the Contractors' State License Board. This item was considered and rejected by the Budget Conference Committee during its deliberations. I believe the Board can meet its responsibility by achieving the level of productivity that existed at the beginning of the 1983-84 Fiscal Year.

1983-84 Fiscal Year

With the above reductions and deletions, I approve Senate Bill No. 1379

George Deukmejian, Governor

The bill would provide for the transfer of all money in the Athletic Commission Fund to the General Fund.

(1) Under existing law, the Attorney General is authorized to commence an action to establish that title to unclaimed or abandoned property has vested in the state. In lieu of this action, as to money or other personal property of a value of \$1,000 or less, the Controller may cause the property to escheat to the state by complying with specified notice and publication requirements. In each of these procedures, notice is required to be given by publication at least once each week for 4 consecutive weeks.

This bill would reduce the publication requirement to once each week for 2 consecutive weeks

(1.5) Under the existing Small Business Development Corporation Law, a regional corporation which is designated an urban development corporation or rural development corporation is required to submit to the Small Business Development Board, within 30 days of that designation, a plan for an urban or rural development program which is independent of state funding within 4 years.

This bill would require that independence of state funding be within 5 years, rather than 4 years

(2.5) Existing law requires each county superintendent of schools and the governing board of each school district to provide for an annual audit.

This bill would require the Controller, in consultation with the Department of Finance and the State Department of Education, to develop a plan to review and report on financial and compliance audits, as defined, of school districts and the offices of county superintendents of schools, as prescribed, commencing with the 1984-85 fiscal year. This bill would require the Controller, on an annual basis, to review and monitor the audit reports performed by independent auditors in order to determine whether audit reports are in conformance with audit guide reporting provisions, as prescribed.

This bill would require the Controller to submit a report to the State Department of Education by June 30 of each year to apprise the department of which school districts or offices of county superintendents of schools are not in compliance with the applicable statutes and regulations governing audits. This bill would require the Controller to make recommendations as to what actions should be taken by the department

(3) Existing law requires the Controller, each fiscal year commencing with the 1984-85 fiscal year, to transfer to Section A of the State School Fund for apportionment by the Superintendent of Public Instruction the total amount of incentive payments due to school districts for utilization of alternatives to new school building construction, as certified by the State Allocation Board, from the amount which would otherwise be transferred from the General Fund to the State School Building Lease-Purchase Fund and the State School Deferred Maintenance Fund pursuant to a specified statutory provision

This bill would instead require the Controller to transfer the certified amount from the Budget Act appropriation made available for that purpose

(6.3) Existing law permits the State Allocation Board to reserve each year an amount not to exceed 5% of the funds transferred from any source to the State School Deferred Maintenance Fund for additional apportionments to school districts in instances of extreme hardship, as prescribed.

This bill would increase that amount, not to exceed 10% of those funds.

(6.4) Under existing law, the Superintendent of Public Instruction provides allowances for automobile driver training classes based on an amount not to exceed the \$60 limit per pupil instructed in the laboratory phase of driver education during the preceding fiscal year.

This bill would increase the \$60 limit to \$80.

(6.5) Existing law requires the Superintendent of Public Instruction to provide allowances for driver training programs for physically handicapped pupils, mentally retarded pupils meeting the requirements of specified provisions of current law, and educationally handicapped pupils attending secondary schools offering that instruction in an amount not to exceed \$200, as prescribed.

This bill would increase the maximum amount of these allowances to \$247.

(6.6) Existing law prescribes the manner in which allowances for the transportation of pupils are to be allocated to eligible school districts and county superintendents of schools.

Existing law prohibits the Superintendent of Public Instruction from allowing transportation allowances under current law, with certain exceptions, during any fiscal year a total amount in excess of the amount provided by law

This bill would repeal this prohibition.

This bill would specify that apportionments for transportation shall only be made for transportation defined by this bill.

This bill would prescribe a limitation upon the computation of transportation allowances provided to a regional occupational center or program.

This bill would authorize transportation allowances for the 1984-85 fiscal year to include the transportation of individuals with exceptional needs, as specified in their individualized education program. This bill would require that for the 1985-86 fiscal year and each subsequent fiscal year transportation allowances made for individuals with exceptional needs shall only include home-to-school transportation, and would exclude any other transportation for these pupils.

(6.7) Under existing law, any school district or county superintendent of schools which receives a transportation allowance in the 1984-85 fiscal year or thereafter is required to establish a transportation fund to be used exclusively for approved transportation costs

This bill would repeal those provisions and would, instead, require those school districts or county superintendents of schools to establish a restricted home-to-school transportation account within its general fund, as specified. The bill would permit any school district or county superintendent of schools to establish a student transportation equipment fund to be used for the acquisition, rehabilitation, or replacement of pupil transportation equipment.

(6.75) Existing law does not provide for any fiscal administration study group to develop reasonable recommendations for changes in the Education Code that will strengthen the financial integrity of school districts and offices of county superintendents of schools.

This bill would establish a fiscal administration study group, and prescribe its membership, powers, and duties.

(6.8) Existing law prescribed a method of determining state apportionments to school districts based generally on the computation of a revenue limit per unit of average daily attendance less property tax revenues received. These revenue limits are adjusted for various factors.

This bill would revise the adjustment for decreases in the Public Employees' Retirement System contribution rate for the 1984-85 fiscal year.

(7) Under existing law, school districts which offer at least 180 days of instruction in the 1984-85 fiscal year and thereafter, and school districts which offer at least a specified amount of instructional time in the 1984-85, 1985-86, and 1986-87 fiscal years and thereafter, receive increased apportionments.

This bill would make technical changes in the computation of those apportionments.

This bill would state that it is not the intent of the Legislature that these provisions disrupt early-late reading programs in grades 1 through 8, and would specify the method of computing instructional time for early-late reading programs for purposes of these provisions. These provisions would be applicable only if the early-late reading program was in operation in the 1983-84 fiscal year, unless approved by the Superintendent of Public Instruction.

(9) Under existing law, the governing board of any school district, county superintendent of schools, or county board of education may, in the 1983-84, 1984-85, or 1985-86 fiscal years, receive reimbursement for increasing the salaries of certain certificated employees.

This bill would make technical changes in the computation of the reimbursement.

This bill would require the school district or county office of education to certify to the Superintendent of Public Instruction that its salary schedule continues to reflect the salary adjustments authorized by these provisions in order for the district or county office to include the reimbursement received for a prior fiscal year in its base revenue limit.

(10) Existing law provides that no funds appropriated by the Budget Act of 1983 or by any other act enacted prior to the Budget Act of 1983 may be used for funding claims for double-counted vocational education average daily attendance

This bill would state the intent of the Legislature that specified provisions of law relating to allowable "double-counting" of vocational education average daily attendance apply only to pupils in regional occupational programs and centers, and would prohibit funds from being used to pay claims for the double-counted vocational education average daily attendance for pupils not in regional occupational programs and centers, except for settlement agreements in specified judicial actions

(11.1) Existing law requires the examination for tuberculosis of certain drivers transporting pupils under specified provisions regarding the transportation of students. The local health officer is required to make these examinations available without charge.

This bill would delete the requirement that these examinations be made available without charge.

(11.15) Existing law prescribes the requirements for courses of instruction in the laboratory phase of driver education offered by school districts. Existing law requires that this instruction be provided under one of four prescribed plans.

This bill would add an additional plan which may be utilized in providing this instruction based upon a competency-based driver training program, as defined. This bill would require the Superintendent of Public Instruction to adopt rules and regulations concerning program requirements for competency-based driver training programs.

(11.18) Existing law requires the Superintendent of Public Instruction to apportion to the Institute for Computer Technology each fiscal year an amount computed according to a specified formula from funds transferred to Section A of the State School Fund for purposes of regional occupational centers and programs

This bill would repeal that requirement.

(11.21) Under existing law, school districts and county offices of education receive apportionments for special education according to a services-based formula.

This bill would revise the computation of apportionments for instructional personnel units.

(11.3) Existing law establishes the Student Aid Commission and provides for a director and other employees.

This bill would prohibit the director, other employees, or any person retained by the commission from serving on an advisory committee of the commission

(11.4) Existing law specifies the number of Cal Grants to be awarded to first-time recipients in each fiscal year, and also specifies how those grants shall be allocated

This bill would increase the required number of new Cal Grant awards to 25,320 per fiscal year, commencing in the 1984-85 fiscal year. The bill would require 16,400 of these awards to be utilized for tuition and student fees, 7,500 to be utilized for tuition, student fees, and subsistence costs, and 1,420 to be used for occupational or technical training.

(11.48) Existing law authorizes governing boards of community college districts to establish and maintain community service classes and to charge fees therefor, not to exceed the cost of the classes.

This bill would prohibit state General Fund moneys from being expended to establish and maintain those classes. This bill would also require the Board of Governors of the California Community Colleges to adopt guidelines defining the costs for which a fee may be charged.

(11.6) Existing law requires the Trustees of the California State University to adopt specified policies pertaining to the costs of the Washington, D. C. office of the university, and authorizes the Chancellor of the California State University to implement those policies as deemed appropriate.

This bill would repeal those provisions.

(11.65) Existing law requires the Department of Food and Agriculture to implement and manage a program to fund loans for small to medium sized ethanol production facilities not exceeding a capacity of 1,000,000 gallons annually. The department is required to develop evaluation criteria for this purpose, with mandatory inclusions. These provisions are funded through the continuously appropriated Ethanol Fuel Revolving Account.

This bill would repeal these provisions and would continue the Ethanol Fuel Revolving Account in existence and rename it the Agricultural Pest Control Research Account.

This bill would require that repayment of the principal and interest on loans from the Ethanol Revolving Fuel Account be deposited in the Agricultural Pest Control Research Account for the purposes of AB 2635 of the 1983-84 Regular Session.

(11 8) Existing law expresses legislative intent to safeguard the solvency of all public retirement systems and funds and requires periodic actuarial valuations of the systems. Existing law also requires submission of audited financial statements annually to the Controller, requires review by the Controller of the valuations and the annual financial reports, and requires the Controller to compile and report annually on the financial condition of all the systems. Further, existing law requires statements of the actuarial impact upon future annual costs of proposed increases in benefits and prior publication thereof, as specified.

This bill would express legislative intent that the Regents of the University of California provide written prior notice to the Legislature, as specified, of any proposed changes to retirement plan benefits, employer or employee contribution rates, or actuarial assumptions affecting the University of California Retirement System.

(12.5) Under existing law, the Joint Rules Committee is authorized to allocate space in the State Capitol Building, other than the first floor of the annex of the State Capitol Building, which is within the jurisdiction of the Department of General Services.

This bill would authorize the Joint Rules Committee to allocate all space within the state parking garage, as funded in Item 1760-301-036 of the Budget Act of 1984

(12.7) Existing law establishes a comprehensive scheme of planning, coordination, implementation, and management controls for effective and economical use of electronic data-processing systems by state agencies. Existing law also excepts various governmental entities from these provisions.

This bill would add the California State University to the governmental entities excepted from these provisions.

(15) Under existing law, accounting and budgeting systems of state entities and the nature, style, and format of the budgets for state entities and appropriations for state entities contained in the annual Budget Bill are required to be prepared in a prescribed manner, which includes a program budget format and a common coding system. These provisions apply to certain designated departments, but do not apply to the California State University until the 1985-86 fiscal year

This bill would extend the date of the exemption for the California State University until the 1986-87 fiscal year

(15.1) Existing law contains an appropriation of \$60,000 to the Controller to reimburse local agencies for costs incurred pursuant to Chapter 1123 of the Statutes of 1977.

This bill would require local agencies claiming reimbursement under this appropriation to certify in writing that they have attempted to recover their costs under other specified provisions of law.

(16) Under existing law, the Controller is required to abolish, except as specified, those state positions which were vacant for part or all of the last 9 months of a fiscal year because of a hiring freeze in effect during part or all of the 9-month period and which remain vacant on June 30.

This bill would revise these provisions to, instead, require abolition of those positions which remain vacant for the last 9 months of a fiscal year because of a hiring freeze in effect during part or all of the 9-month period.

(17.1) Existing law requires the Department of Finance to prepare various reports relating to certain subjects affecting fiscal affairs.

This bill would require the department to provide an annual report to the Legislature on tax expenditures containing specified information

(17.5) Existing law provides that on and after July 1, 1984, no moneys in a continuously appropriated fund, except as specified, may be encumbered unless the Legislature, by statute, specifies that the moneys in the fund are appropriated for encumbrance.

This bill would change the date to July 1, 1985.

(18) Under existing law, the State Board of Control may authorize a state agency to refrain from collecting taxes, licenses, fees, or money owing to the state if the amount is \$25 or less.

This bill would increase the dollar amount to \$50 or less.

(21) Existing law provides generally for annual state reimbursement to local government jurisdictions for revenue lost by reason of the exemption of business inventories from property taxation. However, Chapter 323 of the Statutes of 1983, among other things, eliminated that reimbursement for school entities, as defined, for the 1983-84 fiscal year.

This bill would eliminate the reimbursement for school entities for each succeeding fiscal year.

(21.15) Existing law, operative until June 30, 1985, authorizes the Controller, under specified circumstances, to draw demands against legislative appropriations from the General Fund which are required to be paid in the then current fiscal year, and to deliver them to the Treasurer. The Treasurer is required to register the demands for nonpayment and to notify the Controller, who could then authorize the Treasurer to issue and sell notes of the State of California to satisfy the registered demands.

This bill would instead require the Controller to notify the Pooled Money Investment Board of the registered demands, and the board would be required to advise the Governor, as specified. If the Governor does not otherwise direct the board, the board could then authorize the Treasurer to issue and sell notes of the State of California to satisfy the registered demands.

This bill would permit, rather than require, the notes to be issued on a fixed-maturity date and would authorize the notes to be payable upon demand of the holder of the note. In addition, the notes could be made subject to prepayment or redemption at the option of the state or the holder.

The bill would delete the June 30, 1985, termination date and would make a technical, nonsubstantive change regarding legislative intent.

(21.25) Existing law authorizes a state employee who is a miscellaneous member of the Public Employees' Retirement System and who is 62 years old and eligible to retire, to participate in a reduced worktime for partial service retirement program.

This bill would authorize certain legislative employees to participate in the reduced worktime for partial service retirement program.

(21.28) Existing provisions of the Public Employees' Retirement Law permit certain state and university members to receive an additional 2 years of service credit, under specified conditions.

This bill would add to that law similar provisions which would apply to legislative employees, as specified.

(21.3) The existing Public Employees' Medical and Hospital Care Act requires the state to contribute additional amounts, determined by the Board of Administration of the Public Employees' Retirement System subject to specified limitations, for the administration of that act and for the establishment and continuation of the Public Employees' Contingency Reserve Fund. The state's contributions are statutorily appropriated monthly from the General Fund and other funds in the State Treasury.

This bill would add the additional condition that the additional amounts, as so determined, also be as adopted by the Legislature in an appropriate control section of the annual Budget Act.

(21.41) Under existing law, the State Department of Health Services is required to administer a program of services, including funding, for physically defective or handicapped persons under 21 years of age which is commonly known as the California Children's Services Program.

This bill would provide that if a recipient of services provided by the California Children's Services Program, his or her guardian, conservator, personal representative, estate, or survivors, or any of them brings an action against a third person who may be liable for an injury, notice of institution of legal proceedings, notice of settlement, and other required notices shall be given to the State Director of Health Services in Sacramento, except as otherwise specified.

(21.42) Existing law requires the State Department of Health Services to adopt regulations on or before June 30, 1984, with respect to maternal serum-alpha fetoprotein screening tests for prenatal detection of neural tube defects of fetuses.

This bill would repeal the date setting a time limit for adoption of the regulations, and specify that the regulations shall be deemed emergency regulations and take effect immediately upon being filed with the Secretary of State. The bill would also specify that the regulations shall not be repealed by the Office of Administrative Law, but shall remain in effect until revised or repealed by the State Department of Health Services.

(21.43) Existing law requires the State Fire Marshal to adopt, amend, or repeal rules and regulations for fire and panic safety in all hotels, motels, lodginghouses, apartment houses and dwellings, buildings, and structures accessory thereto. Existing law requires the State Fire Marshal and the chief of any city or county fire department or district

providing fire protection services to enforce those rules and regulations in their respective areas

This bill would impose a state-mandated local program by requiring a city or county fire department or district providing fire protection services to annually inspect hotels, motels, lodgings, apartment houses, buildings, and structures accessory thereto. It would authorize a city or county fire department or district providing fire protection services to charge and collect a fee for the inspection.

(21.45) Under the existing provisions of the Hospital Seismic Safety Act of 1982, administered by the Office of Statewide Health Planning and Development, the construction or alteration of hospital buildings, as defined, is regulated by the state. Additionally, certain newly constructed buildings of single-story, wood frame construction are required to meet specified building standards.

This bill would provide that the plans for the construction or alteration of any hospital building, as defined, or certain newly constructed buildings of single-story, wood frame construction, which are prepared by or under the supervision of the Department of General Services, are not required to be reviewed and approved by the Office of Statewide Health Planning and Development. It would require the department to certify to the office that the plans are in conformance with all applicable requirements, as specified. It would require the department to observe all aspects of the construction.

(21.5) Existing law requires the State Director of Health Services to establish a schedule of hazardous waste disposal fees and requires each operator of an onsite or offsite hazardous waste disposal site to pay these fees, which are deposited in the Hazardous Waste Control Account. Existing law continuously appropriates the funds in the account to the State Department of Health Services to pay for the costs incurred in administering specified hazardous waste regulation provisions and, among other things, to cover the costs of certain studies related to toxic substances.

The bill would require, after January 1, 1985, that these fees be paid, instead, by each person disposing of hazardous waste or submitting hazardous waste for disposal. The bill would also additionally allow these funds to be used to support the Toxic Substance Enforcement program in the Office of the Attorney General, thereby making an appropriation.

(21.6) Existing law requires the State Director of Health Services to establish a schedule of hazardous waste disposal fees, for deposit in the Hazardous Waste Control Account. Existing law also, until June 30, 1984, sets these fees, for up to the first 2,500 tons received or disposed of, for that hazardous waste which is not restricted, as defined, and also sets the fees for that hazardous waste disposed of which is restricted, as defined, and disposed of on land.

This bill would instead set the amount of the fees, commencing July 1, 1984, and until April 30, 1985, for that hazardous waste disposed of on land or applied to land, as specified, and would require that these fees be calculated using the total wet weight of the waste when disposed of. Until February 1, 1985, the bill would limit to 3,500 tons the amount of specified hazardous wastes disposed of per month upon which these fees may be imposed.

The bill would also provide for separate fee rates for hazardous waste disposed of into a surface impoundment which meets specified criteria. The bill would also exempt from these fees hazardous waste resulting from a hazardous waste removal or remedial action undertaken by a state or local agency, and would authorize the department to exempt soils and sludges removed from a contaminated site which meets specified requirements.

(21.7) Existing law authorizes the State Department of Health Services, by emergency regulation, to increase the fees on hazardous waste set by the department or by statute if it determines that these fees are insufficient to fund the appropriations from the Hazardous Waste Control Account for the 1983-84 fiscal year.

This bill would repeal these regulations on April 1, 1985, would delete the provision which limits this authority to the 1983-84 fiscal year and would instead specify that the determination be based upon the appropriation enacted by the Legislature in the annual Budget Act, and would provide for a 5% operating reserve.

(21.8) Existing law imposes a tax, payable by July 1st of each year, upon the reported amount of hazardous waste disposed of in the preceding calendar year. The State Board of Equalization is authorized to calculate this tax pursuant to a specified formula. Exist-

ing law provides for the deposit of this money into the Hazardous Substance Account (California Superfund) and the money within this account may generally be expended by the State Director of Health Services, upon appropriation by the Legislature, to pay for removal and remedial actions related to the release of hazardous substances.

This bill would revise the formula to increase the base tax rate for assessing the hazardous waste taxes and this would increase a tax for purposes of Article XIII A of the California Constitution, and would provide that the tax assessed for the 1983 calendar year and due July 1, 1984, and the taxes assessed thereafter, are to be determined pursuant to this revised formula

(21.9) Under existing law, up to \$2 million of the funds within the Hazardous Substance Account (California Superfund) may be appropriated by the Legislature to the Hazardous Substance Compensation Account for the payment, under specified circumstances, by the State Board of Control of any claim for compensation for medical expenses and lost wages and business income which the claimant establishes, by the weight of evidence, are proximately caused by the release of hazardous substances.

This bill would repeal the provisions creating the Hazardous Substance Compensation Account and would instead authorize the Legislature to appropriate up to \$2 million directly from the Hazardous Substance Account to pay for these claims.

(21.92) Existing law requires fees and penalties collected by the Department of Consumer Affairs under the biennial motor vehicle inspection and maintenance program to be deposited in the Vehicle Inspection Fund and to be available to the department, upon appropriation by the Legislature, to carry out its functions and duties related to the program.

This bill would also make these moneys in the fund, upon appropriation by the Legislature, available to any other state agency directly involved in the implementation of the program.

(22) Existing law requires each county to annually assess the estate of each ward and each conservatee in the county for any investigation or review conducted by a court investigator at county expense with respect to that person. Existing law prohibits a county from collecting an assessment except upon termination of the guardianship or conservatorship by death or court order. Existing law further authorizes a county to waive any or all of an assessment against an estate, on the basis of hardship, where the guardianship or conservatorship is terminated by court order.

This bill would provide that a county may waive assessments against an estate when the conservatorship of a living person is terminated by court order. The bill would also delete the requirement that the county annually assess the estate of a ward.

(23) Under existing law, the State Lands Commission is required to deposit in the State Treasury all revenues, moneys, and remittances, as specified, received by it and to apply those moneys to specified obligations in a specified order.

This bill would allocate from those moneys to the State School Building Lease-Purchase Fund the amount of \$125,000,000 for each of the fiscal years 1985-86, 1986-87, 1987-88, and 1988-89. Of these amounts, the bill would authorize 5% to be spent in accordance with the Emergency School Classroom Law of 1979.

This bill would also make specified changes in the allocations to the Capital Outlay Fund for Public Higher Education and to the Special Account for Capital Outlay and provide for an allocation to the Energy and Resources Fund commencing in the 1985-86 fiscal year and for annual deposit in the unappropriated surplus of the General Fund.

(24) Existing law provides for the Energy and Resources Fund for financing various described energy and other resources projects and programs. These provisions are to be repealed on the operative date of the Budget Act of the 1984-85 fiscal year or of the Budget Act for a fiscal year after 1983-84 under prescribed conditions, whichever is later.

This bill would extend the existence of those provisions indefinitely by deleting the termination date.

(24.6) Existing provisions of the Personal Income Tax Law and Bank and Corporation Tax Law authorize, for taxable or income years beginning before specified dates, each taxpayer to deduct from the taxes imposed by that law a credit equal to a specified percentage of the cost incurred by the taxpayer for energy conservation measures, as defined, installed on premises in California which are owned by the taxpayer at the time of installation.

This bill would specify that the definition of energy conservation measures (as applied

to existing dwellings) includes systems and devices approved and adopted as part of the operational California plan approved in 1983 pursuant to specified federal regulations and maintained until December 31, 1985, and that the definition of operational Residential Conservation Service Plan includes the aforementioned operational California plan.

(24.8) Existing law requires the Department of Transportation to submit its proposed budget with respect to funds in the State Highway Account in the State Transportation Fund on a program basis and, with a specified exception, requires the California Transportation Commission to allocate the funds to specific projects within the program category for which funds are appropriated in the Budget Act.

This bill would require the department, commencing with the 1985-86 budget, to submit with its budget requests to the Legislature a detailed description of each project concerning acquisition, improvement, and construction of buildings for review.

The bill would require the total amount for those projects to be identified as a separate line item in the Budget Act and would limit the commission's allocation of funds appropriated for those projects to those individual projects approved by the Legislature.

(24.85) Existing law provides for the administration of the unemployment and disability compensation system, and establishes a system for adopting, amending, and repealing regulations in connection therewith.

This bill would require the Employment Development Department to provide, upon request of any person or entity, any or all of the department's rules, regulations, guidelines, bulletins, manuals, or standards and would require the department to make a reasonable charge for the above service, with an exception, to defray the cost of publication and distribution.

(24.88) Under existing law, recipients under the Aid to Families with Dependent Children (AFDC) program are required to register with the Work Incentive (WIN) program or the Employment Preparation Program (EPP) for manpower services, training, and employment, as a condition of aid eligibility. Recipients who refuse to participate are subject to the denial of aid; however, the Employment Development Department is required to exhaust conciliation efforts within a specified period before issuing any notice of intended program deregistration.

This bill would require the department to inform the individual of what constitutes good cause, along with other specified information, if an issue exists on participation or cooperation in the program.

(24.89) Existing law requires the New Motor Vehicle Board to charge vehicle dealers and other licensees under its jurisdiction sufficient fees to fully fund its activities

This bill would require the board to establish fees for filing an appeal, protest, or petition with the board.

(24.9) Under existing law, each report of a waste discharge filed with a California regional water quality control board is required to be accompanied by a filing fee of not to exceed \$10,000, according to a reasonable fee schedule established by the State Water Resources Control Board and reasonably related to the costs to the regional board.

This bill would increase the maximum permissible amount of the fee to \$50,000

(25) Existing law presently requires the State Department of Mental Health and the State Department of Developmental Services to submit proposed state hospital staffing allocations and population reports to the Department of Finance and the Legislature on specified dates, as part of the annual Budget Act.

This bill would require these reports to be made on a permanent basis.

(25.2) Existing law requires persons committed to Patton State Hospital pursuant to certain provisions of law to be the responsibility of the Director of the Department of Corrections, and requires the Department of Corrections and the State Department of Mental Health to jointly develop a plan to transfer those patients from Patton State Hospital. These provisions would remain in effect only until all of these patients have been removed from Patton State Hospital

This bill would provide that, notwithstanding any other provision of law, no more than 1,034 persons committed pursuant to certain provisions of law shall be housed at Patton State Hospital.

(26) Existing law designates regional centers as responsible for determining the appropriate amount of parental fees for children under the age of 18 years residing in state hospitals or receiving services purchased by a regional center. The State Department of Developmental Services is required to bill and collect the fees and is also responsible

for annually reviewing and adjusting the parental fee schedule which is the basis for fee determination.

This bill would transfer the responsibility for parental fee determinations from regional centers to the department. The bill would require parental fees for children under 18 years of age receiving 24-hour out-of-home services through a regional center, rather than for services purchased by the regional centers.

(26 5) Under existing law, the Department of Aging administers programs provided for under the federal Older Americans Act, and allocates funds to planning and service areas in all parts of the state. The plan for services in each planning and service area is formulated by an area agency on aging in each planning and service area, with each area plan approved by the department and consolidated into a state plan which is submitted to the federal government.

Under existing federal law, a state may allocate to area agencies on aging for administrative costs 8.5 percent of its allotment of federal funds for specified services to older persons.

This bill would provide for a funding formula for allocating to the area agencies on aging for administrative costs the federal funds which may be used for this purpose.

(27 2) Existing law provides that the Department of Aging is responsible for allocating state and federal funds to planning and service areas, which represent different areas of the state, for programs provided for under Title III of the federal Older Americans Act.

This bill would provide a funding formula for allocating funds for these programs during the 1984-85 and 1985-86 fiscal years.

(27 3) Existing law designates area agencies on aging as the local unit on aging with various powers and duties, including the representation of older persons within a planning and service area.

This bill would limit to 10% of the annual total base line allocation of federal funds which a planning and service area may use for program development, advocacy, and coordination. It would prohibit an area agency on aging from using any state match funds for program development, advocacy, and coordination, as defined.

(28) Existing law provides for specified public social services programs for which persons are eligible if they meet specified criteria. These programs include the Aid to Families with Dependent Children program, the State Supplementary Program, the In-Home Supportive Services program, and the Food Stamp program.

Existing Budget Act language requires the State Department of Social Services to submit various reports to the Department of Finance regarding estimated expenditures for these programs, program caseloads, and other data. These reports are also required to be forwarded to the Joint Legislative Budget Committee and to the fiscal committees of the Legislature.

This bill would require annual reports on specified dates concerning expenditure estimates and other data to be submitted by the State Department of Social Services to the Department of Finance, with these reports to be forwarded to the Joint Legislative Budget Committee and the legislative fiscal committees.

(28.5) Existing law provides that the State Department of Social Services shall implement in each county a Centralized Delivery System in every county by July 1, 1984, for delivery of services under specified public assistance programs.

This bill would make various changes to these provisions, including renaming this system the Statewide Automated Welfare System, eliminating the July 1, 1984, implementation date, and changing other dates which concern planning for implementation of the system.

(29 5) Under existing law, the State Department of Social Services was required to establish 4 demonstration projects, as specified, utilizing the records of the Franchise Tax Board, to match interest, dividends, and other income of applicants for, or recipients of, public assistance. Under these provisions, the department annually informs the board of the names and social security numbers of all applicants for, or recipients of, public social services, and the Franchise Tax Board is required to annually provide the identities of applicants or recipients of public social services who earned dividends of more than \$30 within the prior calendar year to the department.

These provisions became operative on July 1, 1982, and are to be repealed on June 30, 1985, unless that date is deleted or extended by the Legislature.

This bill would delete the termination date and make the provisions a permanent program rather than a demonstration project. The bill would delete the \$30 limitation specified above, thus making all dividends reportable. The bill would also require the department, if it determines that the income reported by an applicant or recipient does not agree with the information received from the board, to refer the matter to the appropriate agency.

(30.5) Under existing law, if an applicant for public assistance is determined to be eligible for assistance, aid is required to be granted from the first day of the month following the date of application, or the first day of the month following the day on which the applicant becomes eligible.

This bill would require assistance to be granted from the date of application if authorizing action is taken by the eligibility worker in that month, and the first of the month following the date of application only if the authorizing action is taken by the eligibility worker at a later date. The Aid to Families with Dependent Children program is supported in part by county funds. By increasing the cost of the program, this bill would impose a state-mandated local program.

(31.2) Existing law provides for a program under which the Employment Development Department contracts with San Diego County, at the option of the county, for provision of experimental work-experience assignments for unemployed Aid to Families with Dependent Children program recipients and further provides that the provisions relating to this program shall be effective until July 1, 1984.

This bill would extend the effective date on the meeting of a specified condition to July 1, 1985.

This bill would also provide for additional mandatory criteria for work experience assignments under this San Diego County pilot program.

(31.5) Existing law provides for various employment and training programs for applicants for, and recipients of, aid under the Aid to Families with Dependent Children program.

This bill would provide for the Welfare Employment Services and Training Program, to be administered by the State Department of Social Services, in Sacramento County.

The bill would provide that applicants for, and recipients of, aid under the Aid to Families with Dependent Children program who volunteer to participate in this program shall, in cooperation with the department, formulate an employability plan, which shall be subject to modification for specified reasons.

The bill would provide that where appropriate and available, the applicant for, or recipient of, aid shall receive necessary employment, training, and related services in order to carry out the employability plan.

The bill would provide that the department shall attempt to utilize various sources of federal funds, as well as appropriate state and federal welfare programs, in order to carry out these provisions.

(31.6) Existing law provides that the State Department of Social Services shall establish a rate structure, based upon reasonable costs, for reimbursing foster group homes for providing foster care to children eligible under the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program.

This bill would provide that, notwithstanding existing provisions of law, when the State Director of Social Services determines that a rate established pursuant to these provisions for a multistate group home facility which operates in more than two states and which provides high impact adventure programs and which first offered these programs in the State of Arizona, is less than the established national rate for the multistate group home facility, and when the director determines that the multistate group home facility is otherwise licensed but would not be available due to the operation of specified provisions of law, the director may at his or her discretion establish an AFDC-FC rate comparable to the rate paid in other states.

(31.7) Under existing law, counties provide various types of social services to children and adults through a combination of federal, state, and county funds.

Under existing law, state and federal funds for these social services are provided to counties in 2 allocations, one of which is used for the In-Home Supportive Services program, and the other which is used for various mandatory and optional services.

This bill would provide that these funds shall be provided to counties in 3 allocations; with the first allocation to be used for the In-Home Supportive Services program, the

second allocation to be used for child welfare services, and the third allocation to be used for specified social services, with the excess from this allocation to be usable for other required or optional social services as specified.

(32.2) The Budget Act of 1983 required the State Department of Health Services to prepare and submit specified Medi-Cal program assumptions and estimates on specified dates to the Department of Finance.

This bill would codify that provision in the Welfare and Institutions Code, therefore requiring the department to prepare and submit the program assumptions and estimates to the Department of Finance each year.

(32.3) Under existing law, prescribed drugs are provided under the Medi-Cal program if they are included within the Medi-Cal Drug Formulary, as promulgated by the State Department of Health Services.

This bill would provide that, notwithstanding any other provision of law, all nonsteroidal anti-inflammatory drugs approved by the federal Food and Drug Administration shall be included in the formulary.

(32.35) Existing law provides for the Medi-Cal program, pursuant to which medical benefits are provided to eligible recipients.

This bill would require skilled nursing and intermediate care facilities to provide laundry services and hair trims to Medi-Cal recipients and would permit the State Director of Health Services to adjust the reimbursement rate to these providers under specified circumstances to cover the cost of these services.

(32.6) Under existing law, each county is required to perform eligibility determinations for persons applying for the Medi-Cal program, with the state reimbursing the county for the costs of making these determinations, subject to a statewide county cost control plan.

Existing law also permits each county to outstation its eligibility workers in sites other than the welfare department offices

This bill would specify that the county cost control plan shall include standards for controlling costs incurred due to the outstationing of eligibility functions, which shall be based upon productivity standards applied to determinations made in a county welfare department office.

(33.2) Existing law establishes the Health Care Deposit Fund from which expenditures of state, county, and federal funds are made for health care and administration, as specified, of public assistance recipients and other low-income persons.

This bill would provide that federal and specified county funds in the Health Care Deposit Fund received as reimbursements for expenditures made during a prior fiscal year shall be transferred to the General Fund, and are appropriated from the General Fund to the Health Care Deposit Fund for purposes of the Medi-Cal program if a deficiency exists in subsequent fiscal year Medi-Cal program funds.

(33.4) This bill would provide that the amount authorized to be expended from the General Fund shall fully cover the state's share of Medi-Cal program costs

The bill would also provide that the state's share of those costs shall be determined through a plan approved by the Director of Finance and certified to by the State Director of Health Services.

(33.7) Existing law contains provisions setting forth state reimbursement to counties for a specified share of the county aid payment obligation under the Aid to Families with Dependent Children (AFDC) program. Under existing law, one of these provisions, which is operative only until December 31, 1985, specifies, among other things, that the state shall pay 95% of the sum necessary for the adequate care of each child under the county-administered Aid to Families with Dependent Children-Foster Care (AFDC-FC) program. A second provision, which becomes operative on January 1, 1986, specifies that the state shall thereafter pay a reduced percentage of that sum, as specified.

This bill would extend the operation of the first provision to December 31, 1986, and would make the second provision operative on January 1, 1987

This bill would also require the Board of Control to calculate the amount of savings accruing to each county as a result of the foregoing changes and would require the board to offset these savings against any costs incurred by that county which would otherwise be reimbursable by the state pursuant to specified provisions of law

(35.7) Under existing law relating to the Local Health Capital Expenditure Account, interest or any increment from investment of funds, loan repayments, and unexpended

funds allocated to counties for capital projects are required to be deposited in the General Fund, except for the amount of funds appropriated to the State Department of Health Services for administering the Local Health Capital Expenditure program.

This bill would delete that requirement.

(37) Existing law requires the Treasurer, until July 1, 1986, to transfer an amount up to \$42,000,000 from the Special Account for Capital Outlay to the General Fund for replacement of General Fund revenues not collected as a result of the allowance of state energy conservation tax credits

This bill would repeal that provision.

(38.2) Chapter 1274 of the Statutes of 1982 prescribes a procedure for the cancellation and refund of certain taxes with respect to custom computer programs. It provides that, to the extent money is appropriated in the Budget Act of 1984 for purposes of making those refunds, the refunds are to be paid by September 15, 1984

This bill would instead create the Computer Software Refund Fund, and would transfer and appropriate \$1,200,000 from the General Fund to the Computer Software Refund Fund to provide the above refunds. In addition, the bill would provide that the Controller shall pay the refunds on or before September 15, 1984.

(40) Current law provides for an emergency loan to the South Whittier School District, with repayment of the principal over a 3-year period.

This bill would provide for interest payments, as specified, on the outstanding balance of the loan

(43) Under existing law, rates of reimbursement for Medi-Cal providers during the 1983-84 fiscal year are those rates in effect during the 1982-83 fiscal year after the application of a certain provision of law, and prior to the application of any cost-of-living adjustments contained in the Budget Act of 1983.

This bill would require the Department of Health Services, for the 1984-85 fiscal year, to increase certain Medi-Cal reimbursement rates by 5.55% of the rates in effect on June 30, 1984, as adjusted by any cost-of-living increase or other rate adjustment provided in the Budget Act of 1984 or any other appropriation which changes the level of funding for Medi-Cal services.

The bill would also provide that the State Department of Health Services shall take whatever actions are necessary to ensure that the required 10% reduction in expenditures for dental services below the levels in effect on June 30, 1982, under the Medi-Cal program is limited to a reduction of 10% for the 1983-84 fiscal year and for each fiscal year thereafter in which this reduction remains in effect

(43.2) Under existing law, foster care providers are paid a rate in return for the care and supervision of the AFDC-FC child placed with them.

This bill would provide that a supplemental payment shall be made to foster care providers in an amount determined by the Legislature in the Budget Act of 1984.

(43.5) Existing law prescribes a method of determining state apportionments to school districts based generally on the computation of district revenue limits less property tax revenues received

Notwithstanding any provision of law to the contrary, this bill would require the Superintendent of Public Instruction to recalculate the revenue limit of each school district for the 1981-82 and 1982-83 fiscal years, as specified. These recalculated revenue limits would be applicable only where their use would generate additional revenues to the school district for the 1981-82 and 1982-83 fiscal years.

(43.6) Under existing law, the term of a contract for the construction, maintenance, and operation of a concession within units of the state park system may in no event exceed 20 years without specific authorization by statute

This bill would so authorize the concession contract for Pan Pacific Park to exceed 20 years, if necessary for specified purposes, but in no event to extend beyond March 20, 2028.

(44) Existing law authorizes the Governor to direct the Controller to make transfers of money from any special funds and other state accounts to the General Cash Revolving Fund whenever the Governor determines that there is insufficient cash in the General Fund to meet payments authorized by law. Existing law also requires that this money be retransferred to the fund or account of its origin

This bill would appropriate \$962,301 from the General Fund to the Department of Food and Agriculture Fund to be allocated in a specified manner. The bill expresses the

finding of the Legislature that this amount represents interest earned on moneys transferred from the Department of Food and Agriculture Fund to the General Cash Revolving Fund in the 1981-82 and 1982-83 fiscal years.

(44.7) Existing law prohibits a public animal pound from killing any impounded stray cat for 72 hours

Existing law also requires that a qualified injured worker continue to receive temporary disability indemnity payments plus living expenses, while enrolled in a rehabilitation program.

This bill would declare the finding of the Legislature that the above statutes impose nonreimbursable state-mandated local costs.

(44.8) This bill would require the Department of Forestry to fulfill the terms of all of its existing Schedule A local fire protection agreements, as specified.

(44.9) This bill would require the Employment Development Department to allocate specified funds during the 1984-85 fiscal year for use in local veterans employment services project development efforts.

(44.95) This bill would appropriate \$587,000 from the Contractors' License Fund to the Contractors' State License Board for the employment of 15 limited-term deputy registrars II.

(45.5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(45.6) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

(46) This bill would provide for severability of any invalid provisions.

(47) This bill would take effect immediately as an urgency statute, but would not become operative unless and until the Budget Act of 1984 becomes effective.

Ch. 269 (SB 271) Mello. Community facilities districts.

(1) Chapters 1439 and 1451 of the Statutes of 1982 each enacted a Mello-Roos Community Facilities Act of 1982. While the provisions added by those chapters were substantially similar, they were different in certain respects.

This bill would amend certain provisions added by Chapter 1451 to incorporate provisions included in Chapter 1439 and would repeal the provisions added by Chapter 1439.

(2) Existing provisions of the Mello-Roos Community Facilities Act of 1982 authorize the establishment of community facilities districts to provide police and fire protection facilities and services, and local park facilities, elementary and secondary school sites and structures, libraries, and any other governmental facilities which the legislative body of the local agency creating the district is authorized to construct, own, or operate.

This bill would revise those provisions and would also expressly authorize a community facilities district to provide recreation program services and flood and storm protection services. The bill would permit the district to finance the construction of natural gas pipelines, telephone lines, and facilities for the transmission or distribution of electrical energy, but would generally prohibit a district from operating or maintaining or having any ownership interest in those facilities. The bill would expressly permit 2 or more local agencies or community facilities districts, or any combination of those entities, to enter into a joint exercise of powers agreement to provide those facilities or services. The bill would also permit a party to that agreement to use the proceeds of any special tax or charge or of any bonds or other indebtedness levied or issued pursuant to the Mello-Roos Community Facilities Act of 1982 to provide facilities or services which that contracting party is authorized by law to provide even though another contracting party does not have that power.

The bill would also permit a legislative body of a community facilities district, with

the concurrence of the legislative body which levied the tax, to adjust ad valorem property taxes levied to pay for principal and interest on bonds and other indebtedness, as specified.

(3) Existing law provides that proceedings for the establishment of a community facilities district may be instituted by the legislative body of any local agency, as defined, and requires the legislative body to institute those proceedings if 2 members of the legislative body file a written request with that body or if a petition signed by a specified number of registered voters is filed with the legislative body.

Existing law also requires the legislative body to adopt a resolution of intention to make certain changes in the district after it has been established if a petition signed by a specified number of registered voters residing in the district is filed with that body.

This bill would impose a state-mandated local program by additionally requiring the legislative body to institute those proceedings or adopt that resolution of intention if a petition signed by a specified number of landowners is filed with the legislative body. The bill would require that written requests and petitions requesting the establishment of a district be accompanied by the payment of a fee in the amount determined by the legislative body to be sufficient to compensate the legislative body for all costs incurred in conducting proceedings to create a community facilities district.

(4) Existing law requires the clerk of the legislative body to publish a notice of hearing to be held on the establishment of a community facilities district in a newspaper of general circulation published in the area of the proposed district.

This bill would impose a state-mandated local program by requiring the clerk to also give notice of the hearing by first-class mail to each registered voter and to each landowner in the proposed district.

(5) Existing law requires the legislative body to abandon the proposed establishment of a community facilities district and requires the legislative body to eliminate public facilities, services, charges, or special taxes from a specified resolution if, among other things, 50% or more of the registered voters residing within the proposed district file written protests against the establishment of a proposed district or the provision of those facilities or services or the levying of those taxes or charges.

This bill would require the legislative body to abandon the proposed establishment of the district and the elimination of those public facilities, services, charges, or taxes from the specified resolution if 50% or more of the registered voters or 6 registered voters, whichever is more, residing within the proposed district file written protests against the establishment of a proposed district or the provision of those facilities or services or the levying of those taxes or charges.

(6) Existing law specifies that a determination by the legislative body that the proceedings prior to adopting a resolution to establish a community facilities district were valid and in conformity with the requirements of the Mello-Roos Community Facilities Act shall be final and conclusive.

This bill would impose a state-mandated local program by requiring the legislative body to make that determination and to make that finding if it determines that the prior proceedings were valid and in conformity with the act.

(7) Existing law requires the legislative body to submit a proposition relating to the levy of any special taxes to the electors of the proposed community facilities district in the next general election or special election to be held within 90 days following the close of a specified protest hearing.

This bill would, instead, require the proposition to be submitted at the next general election or special election to be held at least 90 days, but not more than 180 days, following the close of that hearing.

(7.5) Existing law authorizes the legislative body of a local agency to levy a special tax to finance the services and facilities provided by the community facilities district, subject to approval of two-thirds of the voters voting on the proposition.

This bill would provide, instead, that a special tax may be levied to finance recreation program services and the operation and maintenance of parks and parkways only if two-thirds of the voters voting on the proposition, or 100 voters, whichever is more, vote in favor of levying a special tax for that purpose.

(8) The bill would specify that a community facilities district may include areas of territory that are not contiguous.

(9) Existing law provides that the provisions of the Elections Code relating to the

qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of elections shall govern all elections conducted under specified provisions of the Mello-Roos Community Facilities Act of 1982.

This bill would, instead, provide that the Uniform District Election Law shall, with certain exceptions, govern elections conducted under the act.

(10) Existing law permits the legislative body, at the time of adoption of the resolution of intention to establish a community facilities district, to direct each of its officers to study the establishment of the proposed district and file a report, containing specified information, with the legislative body

This bill would impose a state-mandated local program by requiring the legislative body to direct its officers to conduct that study and file that report

(11) The bill would authorize the legislative body to annex territory to the district under specified circumstances

(12) Existing law authorizes the legislative body of a community facilities district to combine propositions relating to the levy of a special tax and the incurring of bonded indebtedness into one ballot proposition

This bill would also authorize the legislative body to combine a proposition relating to the establishment or changing of an appropriations limit, as specified, with those propositions.

(13) The bill would specify that any action or proceeding, among other things, attacking the levy of a special tax shall be commenced within 30 days after the special tax is approved by the voters and would require that any appeal on a final judgment be perfected within 30 days after entry of judgment.

(14) Existing law requires the legislative body to annually fix and levy the amount of special taxes and charges within the community facilities district required for the payment of the principal and interest on any outstanding bonded debt of the district due and payable during the next year

This bill would require the legislative body to also include the amount necessary to replenish bond reserve funds or other reserve funds.

(15) Existing law provides that an action to determine the validity of bonds issued under the act may be brought pursuant to specified provisions of the Code of Civil Procedure.

This bill would also permit actions to determine the validity of any special taxes levied under the act to be brought pursuant to those provisions.

(16) Existing law authorizes the legislative body to borrow money in anticipation of the sale of bonds and to issue bond anticipation notes therefor

This bill would require the legislative body to provide a remedy if the anticipated bonds cannot be sold or if any default occurs on the notes. The bill would permit the legislative body to enter into an agreement with any of the property owners within the district pledging some or all of their real property as additional security for the notes and would permit the legislative body to levy a supplemental special tax in an amount sufficient to secure any bond anticipation notes

(17) The bill would specify that any proceedings initiated to create a community facilities district prior to the effective date of the bill may be conducted in accordance with the bill as if the bill had been in effect when the proceedings were commenced

(18) Existing law requires the legislative body to follow the same procedure required for an original bond issuance if it issues refunding bonds, which, among other things, requires approval of $\frac{2}{3}$ of the voters voting on the proposition

This bill would, instead, permit the legislative body to issue the refunding bonds without an election, as specified

(19) The bill would make other technical, nonsubstantive changes

(20) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(21) The bill would take effect immediately as an urgency statute.

Ch 270 (AB 4027) Costa Agricultural vehicles.

(1) Existing law, with certain exceptions, requires registration of vehicles driven, moved, or left standing on a highway or in an offstreet public parking facility.

This bill would exempt vehicles used for refueling aircraft, as specified.

~~(2) Existing law exempts motor trucks used exclusively as cotton module movers from the generally applicable 40-foot vehicle length limitation and authorizes these vehicles to be not more than 48 feet in length.~~

~~This bill would exempt specified towed vehicles used as cotton module movers from the 40-foot vehicle length limitation, but vehicle combinations that include such a towed vehicle would remain subject to applicable overall length limitations. The bill would define "cotton module mover" for purposes of the Vehicle Code.~~

~~(3) [(2)]*~~ Existing law permits, until July 1, 1984, specified cotton module movers to carry a maximum gross weight on each set of tandem axles not exceeding 34,000 pounds while crossing a state highway or operating on a county highway, as specified, in certain counties. However, this authorization is only applicable to cotton module movers registered in California before July 1, 1980.

This bill would instead authorize cotton module movers up to 130 inches in width, including load, and of unlimited axle weight to use county highways in the specified counties and to cross state highways without a special permit from October 1 to January 31 annually. However, affected counties could prohibit or limit these vehicles on county highways or portions thereof.

~~(4) [(3)]*~~ Existing law, with certain exceptions, requires vehicles driven, moved, or left standing upon a highway to be registered.

This bill would exempt from registration as ~~an implement~~ [implements]* of husbandry specified [truck tractors and truck tractor and semitrailer combinations] ~~semitrailer~~* which are owned by a farmer and operated ~~(1)~~* on the highway [(a)]* only incidental to a farming operation, ~~(2)~~ [(b)]* not for compensation, and ~~(3)~~ [(c)]* for a distance of not more than 2 miles each way on the highways. Furthermore, the exemption would apply only if the truck tractor has a gross vehicle weight of over 10,000 lbs and is equipped with all-wheel drive and off-highway traction tires, and would apply only to a semitrailer [when]* used in combination with such a truck tractor ~~and~~* exclusively in production or harvesting of melons or tomatoes. The bill would impose a state-mandated local program by making it an infraction to operate these vehicles on a highway faster than 25 miles per hour.

~~(5) [(4)]*~~ Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

~~(6) [(5)]*~~ The bill would take effect immediately as an urgency statute.

Ch. 271 (SB 1445) Presley. Water: special districts

(1) Under existing law, a metropolitan water district may not impose a property tax rate for the 1984-85 and 1985-86 fiscal years to make payments to the State of California under contracts entered into pursuant to the California Water Resources Development Bond Act which is in excess of the rate imposed in the 1982-83 fiscal year, unless 80% of the district board of directors makes a finding that there exists a fiscal emergency which requires a property tax rate increase and approves the rate increase.

This bill would delete that restriction.

The bill would, commencing with the 1990-91 fiscal year, limit the levy of any ad valorem property tax by a metropolitan water district, except upon specified findings of the board of directors following a hearing as prescribed, to the composite amount required to pay the principal and interest on general obligation bonded indebtedness of the district and a specified portion of the district's payment obligation to the state under those contracts.

(2) Under existing law, the board of directors of a metropolitan water district is authorized to fix the rate or rates at which water shall be sold by the district and is directed, so far as practicable, to fix the rate or rates for water in accordance with prescribed criteria.

This bill would authorize the board to impose a water standby or availability service

charge within a district and to allocate the service charge among member public agencies in accordance with a method established by the board. The bill would permit the charge to be collected from the member public agencies of a district, thereby imposing a state-mandated local program, or to be imposed as a standby charge against individual parcels within the district

The bill would alternatively authorize the board to adopt and collect, in accordance with prescribed procedures and requirements, and subject to the approval of the voters of the district, an annual water standby or availability assessment on each privately owned parcel of real property within the jurisdiction of each member public agency of the district. The bill would authorize the board to establish zones or areas of benefit and to restrict the assessments to areas lying within one or more of the zones or areas of benefit. The bill would authorize the board, in levying benefit assessments, to use any of the provisions of the Benefit Assessment Act of 1982, the Improvement Act of 1911, or the Municipal Improvement Act of 1913 as a means for imposing and collecting the assessments

The bill would provide that any such change or assessment shall be deemed to be amounts paid by the member public agency to the district on tax assessments. The bill would make related changes in the Metropolitan Water District Act.

(3) Under existing law, a metropolitan water district is authorized to issue revenue bonds and specified other evidences of indebtedness in accordance with prescribed procedures and subject to specified requirements

This bill would generally authorize a metropolitan water district to borrow money and incur indebtedness, for any purpose for which it is authorized to spend money, by the issuance, in accordance with prescribed procedures and requirements, of negotiable or nonnegotiable short-term revenue certificates, payable out of any revenues of the district which are made security for the certificates pursuant to an indenture or resolution adopted by the board.

The bill would specify the powers and duties of the board in this connection, and would authorize the board to arrange for a bank, or other financial institution, line of credit to provide an additional source of repayment or to borrow money for any purpose for which the district may spend money.

(4) Under existing law, the purposes for which revenue bonds may be issued by a metropolitan water district include works, facilities, improvements, and property of the district for the provision, generation, and delivery of hydroelectric power

This bill would include within these provisions works, facilities, improvements, and property of a private corporation to the extent required for the provision, generation, wheeling, and delivery of hydroelectric power by the district, and would make related changes.

(5) Under existing law, bonds of a metropolitan water district are required to be put to public bid in accordance with prescribed requirements and may not be sold at a price less than par value, together with accrued interest to the date of delivery. Interest on the bonded indebtedness of a district is payable semiannually.

This bill would, notwithstanding the foregoing, permit the board of directors, by a $\frac{2}{3}$ vote of the total vote of the board, to provide for the bonds to be sold at private sale upon such terms and conditions as the board may deem necessary, convenient, or desirable, and would make related changes.

The bill would make the interest payable at the time or times as the board of directors determines.

(6) Under existing law, the Riverside County Flood Control and Water Conservation District is divided into 7 zones with prescribed boundaries.

This bill would impose a state-mandated local program by revising the boundaries of Zone 6 of the district, subject to specified conditions, including the detachment of territory from the Coachella Valley Water District pursuant to the District Reorganization Act.

(7) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement

is required by this act for a specified reason.

(8) The bill would take effect immediately as an urgency statute.

Ch. 272 (SB 1103) Maddy. Facilities: foster care rates

Existing law requires the State Department of Social Services to develop and implement a ratesetting system for homefinding agencies, to be effective no later than July 1, 1984.

This bill would provide for the development of a ratesetting system effective no later than July 1, 1985.

Existing law provides that the 1983-84 fiscal year payments to group homes for children receiving Aid to Families with Dependent Children-Foster Care shall not exceed the 1982-83 fiscal year payments, adjusted for cost of living.

This bill would provide that nonprofit organizations which did not participate in the Federal Insurance Contributions Act prior to January 1, 1984, but are required to participate after that date, shall receive an increase in 1983-84 fiscal year payments to reflect the cost of employer contributions required by the act.

This bill would impose a state-mandated local program because the Aid to Families with Dependent Children-Foster Care program is supported in part by county funds, and this bill increases payments under the program.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would also take effect immediately as an urgency statute.

Ch. 273 (AB 3045) Moore. Alcoholic beverages: restrictions on licenses

Existing law authorizes the Department of Alcoholic Beverage Control to refuse to issue an alcoholic beverage license for premises located within 600 feet of schools and public playgrounds.

This bill would include youth facilities, as specified, within that provision.

Existing law requires any person requesting a transcript of a hearing of the Department of Alcoholic Beverage Control to pay to the department the actual cost of that transcript.

This bill would delete that provision and would instead provide that a person requesting a transcript in a case on appeal shall pay a transcript fee specified for certain court reporters, and provide that any excess cost is to be paid from the Alcoholic Beverage Control Appeals Fund. The bill would provide for a refund to persons who have paid a transcript fee in excess of the specified transcript fee for court reporters.

The bill would appropriate the sums of \$35,000 and \$49,300 in augmentation of the 1983 Budget Act and the 1984 Budget Act, respectively, from the Alcoholic Beverage Control Appeals Fund to the Alcoholic Beverage Control Appeals Board for specified purposes.

The bill would provide that the act is to take effect immediately as an urgency statute.

Ch. 274 (AB 207) Konnyu. Community colleges: finance.

(1) Existing law excludes community college districts until January 1, 1988, from a provision regarding the selling of eye protective devices required to be worn in courses involving activities likely to cause injury to the eyes.

This bill would specify that this exclusion shall not be construed as prohibiting the governing board of a community college district from offering eye protective devices for sale to students and employees who voluntarily choose to purchase those devices from the district.

(2) Existing law authorizes the governing board of each community college district to charge a fee for parking services, as specified. Existing law requires that these fees be expended only for, among other things, purposes of reducing the costs to students and faculty of the college for public transportation to and from the college.

This bill would specifically authorize districts to expend parking fees to reduce the costs to employees of the college for public transportation to and from the college.

(3) Existing law requires the governing board of each community college district, commencing with the term which begins after July 31, 1984, to charge each student a specified fee per semester or per credit semester unit, and exempts students who are recipients of certain public assistance funds from these fees. The Chancellor of the California Community Colleges is required to reimburse districts for fees for those exempt students.

This bill would require that the fees be defrayed for students who are recipients of those specified public assistance funds. This bill would require the chancellor to pay community college districts the amount of fees defrayed.

Existing law requires the chancellor to proportionately adjust the amount of the fee for term lengths based upon a quarter system or other specified alternative system.

This bill would also require the chancellor to proportionately adjust the amount of the fee for summer sessions, intersessions, and other short-term courses.

Existing law requires that student financial aid applicants file a specified application form and financial aid statement.

This bill would exempt from that requirement student financial aid applicants who are enrolled in fewer than 6 credit semester units and are seeking aid only for the community college fees. This bill would require the chancellor to prescribe a financial aid application for community college students enrolling in fewer than 6 credit semester units.

(4) Existing law prohibits community college districts from imposing a fee for participation in an instructionally related field trip or excursion within the state, until January 1, 1988. Existing law also requires that no student be prevented from making a field trip or excursion because of lack of sufficient funds, and requires the governing board of the district to coordinate efforts of community service groups to supply funds for students in need of them.

This bill would specify that these provisions shall not be construed to require the governing board to pay the costs of meals, lodging, and other incidental expenses for students participating in field trips and excursions.

(5) Existing law prohibits community college districts from imposing a fee for providing certain transportation to and from community colleges, until January 1, 1988.

This bill would repeal the provisions containing that prohibition, thereby authorizing the imposition of fees for those purposes.

(6) Existing law authorizes community college districts to impose fees for providing transportation, other than transportation to and from school.

This bill would, until January 1, 1988, eliminate the authority to impose those fees.

(7) Existing law requires any community college district which provided health services in the 1983-84 fiscal year, and which levied a fee for those health services, to maintain health services at the level provided during the 1983-84 fiscal year until January 1, 1988.

Existing law also requires each community college district to expend 50% of its current expense of education, as defined, for salaries for classroom instructors.

This bill would exclude from the current expense of education, until January 1, 1988, the health services expenditures of districts subject to the maintenance of effort requirements for health services.

(8) Existing law prescribes the computation of community college apportionments.

This bill would revise the computation of those apportionments.

(9) Existing law requires the chancellor, in consultation with the California Postsecondary Education Commission, to conduct a study of the impact of the mandatory tuition fee upon the California Community Colleges, and appropriates \$100,000 to the chancellor for the purpose of carrying out the study.

This bill would, instead, appropriate \$115,000 to the chancellor for the 1983-84 fiscal year for the purpose of the study, and upon certification by the Director of the Department of Finance to the Controller of the necessity of the funds, would appropriate an additional amount, not to exceed \$115,000 to the chancellor for the purpose of the study in the 1984-85 fiscal year.

(10) Except as otherwise specified, the provisions of this bill would become operative July 1, 1984, or on the effective date of this bill, whichever is later.

(11) This bill would take effect immediately as an urgency statute.

Ch. 275 (SB 1120) Keene Presumptions.

(1) Under the existing law of evidence, various presumptions are recognized.

This bill, with certain exceptions, would grant a public entity or emergency rescue personnel acting within the scope of employment, immunity from liability for injuries caused by an action taken when providing emergency services, unless the action was performed in bad faith or in a grossly negligent manner. In addition, the bill would provide a presumption that the action was performed in good faith and without gross negligence.

(2) The bill would take effect immediately as an urgency statute.

Ch. 276 (AB 2911) Wright. Vehicles: registration: driver's license suspensions.

(1) Existing law authorizes the registration card of leased vehicles to show the name of both the lessor and lessee as owner and user. Existing law also authorizes the Department of Motor Vehicles to designate the lessee and lessor and the lessee's address on the registration card and ownership certificate.

This bill would make these provisions mandatory, rather than optional

(2) Existing law both authorizes and requires the court to impose a 30-day suspension of the driver's license of any person convicted for the first time of driving over 100 miles per hour.

This bill would clarify that those suspensions are not mandatory.

Ch. 277 (AB 2311) Hill. Blind persons.

Existing law gives the Department of Rehabilitation the authority to establish manufacturing centers and salesrooms, and opportunity centers and salesrooms, for the employment of blind and otherwise handicapped persons.

This bill would repeal those provisions.

Ch. 278 (AB 3379) Costa. Oil and gas.

(1) Existing law regulates the operation of oil and gas wells. Existing law requires the owner or operator of any well to keep a log with respect to each well of, among other things, the location and depth of water-bearing strata, the character of the water, and whether or not the water was shut off.

This bill would delete the requirement of including that information in the well log.

(2) Under existing law, the owner of any well is required to file a monthly report with the State Oil and Gas Supervisor of specified information

This bill would require any operator that produces oil by the application of mining or other unconventional techniques to report annually before March 1, the amount of oil produced by those techniques in the preceding calendar year.

(3) Under existing law, before abandoning a well, the owner or operator is required to shut off and exclude all water from entering oil-bearing or gas-bearing strata.

This bill would instead require the owner or operator to isolate all oil-bearing or gas-bearing strata.

(4) Under existing law, the State Oil and Gas Supervisor is required to impose an annual charge computed at a uniform rate on the gross gas withdrawn from an underground storage facility in the preceding calendar year, not exceeding the actual cost incurred by the state in maintaining surveillance over those facilities.

This bill would require that annual charge to be based on the number of wells used to inject and withdraw gas from those facilities, and would specify that those fees defray the costs incurred by the state.

(5) The bill would also make other clarifying and procedural changes.

Ch. 279 (AB 2386) Frizzelle. State Teachers' Retirement System disability allowances.

Provisions of the State Teachers' Retirement Law: (1) prescribe as one of the periods during which an application for a disability allowance may be filed, the period during which the member is employed but not performing services in a position requiring membership in the system; (2) authorize the system, upon receipt of an application for a disability allowance, to order the applicant to undergo a related medical exam; (3) are administratively interpreted by the system as granting the system the power, in item (2) above, to select the examining physician and as requiring the system to pay all reasonable associated costs; (4) increase the disability allowance of a disabled member by 10% of final compensation for each child, as defined, to a maximum of 4 children; (5) provide that, when a disabled member reaches age 60 or at a later date when there are no children,

the disability allowance shall be terminated and the member shall be eligible for service retirement; (6) authorize the system to require disabilitants to undergo medical examinations at such times as it deems necessary, but limit the application of that authority to only a disabilitant who has not attained age 60, (7) are administratively interpreted by the system as authorizing the system to permit the medical examination required by item (6) above to be conducted and reported at the member's expense by the member's treating source and, in any case, to require a medical examination to be conducted at the expense of the system, as specified, by a physician selected by the system

This bill would: (a) substitute for the period specified in item (1) above, the period during which the member is in a compensated leave of absence, (b) delete the limitation in item (6) above; (c) amend items (2) and (6) above to reflect the administrative interpretations in items (3) and (7) above; and (d) require in item (6) above, that in scheduling medical examinations, consideration be given to the subject's interests and convenience.

Ch 280 (AB 3361) Elder. State peace officer/firefighter members of PERS

(1) The Public Employees' Retirement Law (PERL) prescribes various permanent actuarially based service retirement plans; defines patrol members and state safety members in terms of the particular employing state entity and the nature of the principal duties performed by specified job classifications; require the State Personnel Board to develop objective criteria for determining the application to state civil service positions of the state safety category of membership in the system, as specified; provides for patrol members a 2%-at-age-50 to 2.70%-at-and-over-age-55 service retirement formula and for state safety members a 1.426%-at-age-50 to 2%-at-and-over-age-55 service retirement formula; provides for patrol members and state safety members, benefits and contribution rates which are higher than, and minimum retirement ages which are lower than, those for state miscellaneous members; state miscellaneous members, however, are also covered by the federal social security system while that coverage generally excludes "policemen" and "firemen," which categories encompass patrol members and state safety members.

(2) Provisions of the PERL enacted by Chapter 1318 of the Statutes of 1983 presently provide a 2%-at-age-50 to 2½%-at-and-over-age-55 service retirement formula, as specified, for certain state safety members who are represented in State Bargaining Units Nos. 6, 7, and 8; authorize application thereof to related supervisory classes for the respective bargaining units, require separate actuarial computations for members in each unit; make these provisions operative only if a specified memorandum of understanding is reached which specifically agrees thereto and which is approved by the Legislature pursuant to law; provide that notwithstanding the foregoing provisions, they shall not become operative, as specified, unless and until the effective date of a subsequent statute in which the Legislature establishes the related employer and employee contribution rates, and reserve to the Legislature specified rights regarding subsequent legislation to completely effectuate the foregoing intent and purposes without providing new comparable advantages if disadvantages to employees result therefrom

This bill would: establish in the PERL the new membership category of "state peace officer/firefighter"; include within that category, various state employees, as specified; establish the state's contribution rates for the new categories at 24.310 percentage, which contributions are statutorily appropriated monthly to the Public Employees' Retirement Fund; establish the normal employee contribution rate of 8% of the compensation in excess of \$238 per month, confer state peace officer/firefighter service credit for subsequent service in that category and for service rendered in an employment in which persons have since become state peace officer/firefighter members, impose for that category a mandatory retirement age of 60 years, as specified; provide for termination of related federal social security coverage, as specified; provide the certain provisions would not become operative for certain persons until a federal ruling or regulation is made authorizing the inclusion of those persons; delete from item (2) above, the requirement of separate actuarial computations for members in each unit; express legislative intent that this act is to implement item (2) above; and make other related and technical changes

This bill would take effect immediately as an urgency statute

Ch. 281 (AB 2358) O'Connell. Dogs and cats: killing: nitrogen.

Existing law authorizes killing of a dog or cat by the use of nitrogen gas under specified conditions, and otherwise makes such killing a misdemeanor.

This bill would impose a state-mandated local program by prohibiting any killing of a dog or cat by nitrogen gas, as a misdemeanor.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 282 (SB 1375) Keene. School buildings.

Under existing law, the so-called "Field Act" requires school districts and community college districts to have certain buildings examined for safety for school use, and to repair, reconstruct, or replace unsafe buildings. Existing law authorizes the governing board of the Mendocino-Lake Community College District, until June 30, 1984, and the Lake Tahoe Community College District, until June 30, 1985, to use certain buildings notwithstanding the "Field Act."

This bill would permit the use of specified buildings in the Mendocino-Lake Community College District, until June 30, 1990, and the use of specified buildings in the Lake Tahoe Community School District until June 30, 1990, notwithstanding the "Field Act."

This bill would permit the use of specified facilities maintained by the Saddleback Community College District, until the acquisition of alternate facilities, or until June 30, 1990, whichever occurs first, and the use of a specified building in the Ferndale Elementary School District until June 30, 1990, notwithstanding any other provision of law.

The bill would take effect immediately as an urgency statute.

Ch. 283 (AB 2325) Felando. Fishing privilege tax

Under existing law, any person engaged in specified fish sales, processing, and manufacturing business is required to obtain a license. The licensee is required to pay privilege taxes on the purchase, receipt, or taking of specified fish and also to pay, until January 1, 1985, an additional privilege tax for herring for roe and for thresher or bonito shark. The use of revenues from those additional taxes is limited to expenditure by the Department of Fish and Game for specified research and administration and the revenues are continuously appropriated for that purpose.

Under existing law, on and after July 1, 1984, these funds are not continuously appropriated without regard to fiscal years for encumbrance.

This bill would extend the additional privilege tax on herring for roe until January 1, 1990, and the additional privilege tax on thresher and bonito shark until January 1, 1988, and, thereby, changes a state tax within the meaning of Section 4 of Article XIII A of the California Constitution.

Ch. 284 (SB 1644) Robbins. Bail: exoneration.

Under existing law, there are provisions for exoneration of bail in criminal cases upon surrender of the defendant or dismissal of cases.

This bill would generally provide for exoneration of bail, or items in lieu of bail, 2 years after the date of the initial bond if the court is informed that the bond is to be exonerated, as specified, or unless the court determines otherwise.

Ch. 285 (SB 1607) Royce. Apprenticeship: related and supplemental instruction.

Existing law provides that, notwithstanding specified provisions of the Education Code, the Superintendent of Public Instruction and the Chancellor of the California Community Colleges shall recognize registration in an apprenticeship program approved by the Division of Apprenticeship Standards as an acceptable prerequisite to enrollment into related and supplemental classes of instruction.

This bill would instead provide that, notwithstanding any provisions of the Education Code, the superintendent and the chancellor shall recognize that registration as an acceptable prerequisite to enrollment into related and supplemental classes.

Ch. 286 (AB 2728) Frazee. Mobilehome park conversions: fees.

Existing law authorizes local agencies to impose reasonable fees for processing tentative and final subdivision maps and parcel maps. Local agencies also impose various service charges, and regulatory fees for the issuance of permits, as a condition to the approval of new construction or conversions.

This bill would prohibit a local agency from charging a fee as a condition to the approval of a subdivision or parcel map for the conversion of a mobilehome park to condominium or stock cooperative ownership interests, except regulatory fees charged for the issuance of a permit, and fees for the processing of subdivision maps.

Ch. 287 (AB 2435) Bane. Savings and loan associations.

Existing law provides for the regulation of savings associations under the Savings Association Law.

This bill would revise the Savings Association Law in order to, among other things, (1) specifically authorize the Savings and Loan Commissioner to enforce any statutes or regulations of the Federal Savings Loan Insurance Corporation with respect to state regulated associations, (2) authorize the commissioner to issue capital stock permits, (3) clarify the commissioner's regulatory authority, as specified, (4) authorize an association to make loans to any director or officer or to any parent or subsidiary subject to any regulations of the commissioner, (5) authorize a mutual association to amend its articles of incorporation to authorize the issuance of stock by approval of the commissioner and the board of directors rather than approval by a majority of the total votes of members outstanding if the commissioner finds that grounds exist for the appointment of a conservator for the association, (6) prohibit an association which does not maintain an adequate statutory net worth appropriate for the conduct of its business and the protection of its savings account holders from investing its funds, operating a business managing or dealing in property, or taking reasonable action to avoid loss on a loan or investment made or an obligation created in good faith unless the association first obtains written approval from the commissioner to do so, (7) make certain provisions of the Savings Association Law applicable to federal associations, and (8) make various technical clarification changes.

This bill would take effect immediately as an urgency statute.

Ch. 288 (AB 2493) Campbell. Adoptions

Under existing law, the Adoption Information Act of 1983, on and after January 1, 1986, among other things, will provide a new procedure for (1) the disclosure of the names and addresses of certain adoptees who have reached the age of 21, contained in the records of the State Department of Social Services and licensed adoption agencies, to the birth parents of the adopted persons; (2) the disclosure of the names and addresses of birth parents contained in those records to certain adopted persons who have attained the age of 21; and (3) under certain limited circumstances, the disclosure of the names and addresses of the birth parents of an adoptee under the age of 21 to the person's adoptive parents, upon the submission of a request to the department or the licensed adoption agency that joined in the adoption petition. The act also will require licensed county adoption agencies to make a notification and, in certain instances, to respond to requests in this regard.

The provisions of the act also require the State Department of Social Services to adopt regulations by January 1, 1985, delineating a procedure whereby an adoptee who has attained the age of 21 or who is married, or the adoptive parent of an unmarried adoptee who is under the age of 21, may obtain a copy of a medical report on the adoptee's background that is required to be given to prospective adoptive parents by the department or the licensed agency that prepared the report, as specified.

This bill would revise the provisions of the Adoption Information Act of 1983 to, among other things, authorize an adoptee to obtain a copy of the medical report on his or her background when he or she reaches the age of 18, as specified, and clarify certain provisions of the act, including provisions relating to the imposition of fees to cover the costs of services required or authorized by the act.

Ch. 289 (AB 697) Moore. Dentistry: examination for licensure.

Existing law provides that when an applicant for licensure as a dentist has received a grading of 85% or above in any given subject, the applicant shall be exempt from reexamination on that subject in subsequent examinations before the Board of Dental Examiners of California held at the first or second meeting thereafter.

This bill would revise the above provision to provide that the applicant shall be exempt from reexamination on that subject in subsequent examinations before the Board of Dental Examiners of California within 2 years after the examination on which the applicant received the exemption.

This bill also would require, in December 1987, that the board arrange for an independent, objective evaluation to be performed, regarding the dental licensure examination, as specified, the costs of which would be paid for by the board

Ch. 290 (AB 2254) Harris. Building standards: multiple-story structures.

Existing law requires building standards and rules and regulations adopted by the State Fire Marshal relating to structural fire safety and fire-resistant exits in certain multiple-story structures to be consistent with specified provisions contained in the appendix to the 1970 edition of the Uniform Building Code. Existing law permits a city, county, or city and county to adopt building standards for structural fire safety and fire-resistant exits in structures otherwise subject to the above provisions if those building standards are substantially equivalent in fire safety to building standards adopted and published in the State Building Standards Code, which are required to be consistent with the requirements for new construction contained in the 1970 edition of the Uniform Building Code.

This bill would change those references to the 1979 edition of the Uniform Building Code

Ch. 291 (AB 3373) Stirling. Condominiums.

Existing law defines a condominium as an estate in real property of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building.

This bill would revise and expand the definition of a condominium to mean an estate in real property, of an undivided interest in common, in a portion of a parcel of real property together with a separate interest on space, the boundaries of which are described on a recorded final map, parcel map, condominium plan, or other document in sufficient detail to locate all boundaries, as prescribed.

Existing law regulates real property divided or to be divided into condominiums only if a plan is recorded in the county in which the property lies which consists of (1) a description or survey map of the surface of the land included within the project, (2) diagrammatic floor plans of the building built or to be built in sufficient detail to identify each unit, its relative location and approximate dimensions, (3) a certificate consenting to the recordation of the plan signed and acknowledged by the record owner of the property and all record holders of security therein

This bill would, instead, make those provisions applicable to a recorded condominium plan which consists of (1) a description or survey map of the project, which shall refer to or show sufficient monumentation on the ground to locate applicable boundaries, (2) a three-dimensional description of the property, as specified, and (3) a certificate consenting to the recordation of the plan signed and acknowledged by the record owners of fee title to and record holders of security therein, or, in the case of a condominium which terminates at the end of an estate for years, by the lessor and lessee, by the life tenants and remainder interests, as specified, and by either the trustee or the beneficiary of each recorded deed of trust, and the mortgagee of each recorded mortgage encumbering the property.

Existing law authorizes the plan to be amended or revoked by a subsequently acknowledged recorded instrument executed by the record owner of the property and by all record holders of security therein.

This bill would authorize the condominium plan to be amended or revoked by such an instrument executed by all persons who would be required to record a condominium plan.

Ch. 292 (AB 1190) Filante. Radiation.

Under existing law, the Radiation Control Law regulates the use and control of materials and equipment which emit ionizing radiation, and persons who violate the Radiation Control Law are liable for civil penalties not to exceed \$5,000 for each day in which the violation occurs or continues

This bill would expressly specify that persons who violate the rules or regulations adopted pursuant to the Radiation Control Law are also subject to these civil penalties.

Ch. 293 (AB 2616) Harris. Education: equitable access to technological education programs

Existing law recognizes the state's policy of providing educational opportunities without regard to race, creed, color, national origin, sex, or economic status

This bill would make specific findings regarding the importance of ensuring that all students have equitable access to technological education programs.

This bill would declare the state's policy that all students enrolled in the state's public elementary and secondary schools, regardless of race, creed, color, national origin, gender, physical disability, geographic location, or socioeconomic background, shall have equitable access to educational programs designed to strengthen technological skills, including, but not limited to, computer education programs.

This bill would express the legislative intent that all state appropriations for educational programs designed to strengthen technological skills have the goal of ensuring equitable access to the programs for all students and that this expression of intent shall not be construed to preclude funding of programs designed to serve certain categories of students as part of the state's efforts to target areas of high need

Ch. 294 (SB 1571) Watson. Medicine.

Existing law authorizes a regularly matriculated student undertaking a course of professional instruction in an approved medical school or a foreign medical student who is enrolled in an approved medical school or clinical training program in California, or students enrolled in a program of supervised clinical training under the direction of an approved medical school, to engage in the practice of medicine whenever and wherever prescribed as a part of his or her course of study

This bill would provide that notwithstanding those provisions or any other provisions of the Medical Practice Act, a regularly matriculated student undertaking a course of professional instruction in a medical school approved by the American Osteopathic Association or the Board of Osteopathic Examiners is eligible for enrollment in elective clerkships or preceptorships in any medical school or clinical training program in this state

Ch. 295 (AB 2352) Harris. State holidays.

(1) Existing law designates January 15th "Dr Martin Luther King, Jr Day" and makes this date a state holiday.

This bill would designate, instead, the third Monday in January as "Dr Martin Luther King, Jr. Day" and as a state holiday, and would make related conforming changes

(2) Existing law specifies that state employees, as defined, shall be entitled to certain holidays. However, under existing law, the right to these holidays is subordinated to the provisions of a memorandum of understanding in case of any conflict therewith, as specified.

This bill would include the third Monday in January as a holiday for state employees, subject to these provisions

Existing law also specifies that other employees who do not fall within the definition of "state employee," or who are supervisory employees, for purposes of state employer-employee relations, or who are non-elected officers or employees of the executive branch who are not members of the civil service, shall be entitled to certain holidays

This bill would include the third Monday in January as a holiday for these individuals.

Ch. 296 (SB 1906) Petris. Judgments

Existing law relating to small claims court actions provides that the judgment is conclusive upon the plaintiff and may be appealed by the defendant to the superior court

This bill would provide that if the plaintiff failed to appear and judgment was entered against the plaintiff, the plaintiff may file within 30 days of mailing of the notice of entry of the judgment, a motion to vacate the judgment. The motion may be granted upon

a showing of good cause.

Ch. 297 (SB 4) Montoya. Public utilities- intervenors.

Under existing law, the jurisdiction and control over public utilities, including electrical, gas, telephone, telegraph, and water corporations, is vested in the Public Utilities Commission, including the power to fix rates and charges and to specify the terms and conditions under which service is furnished.

This bill would state the intent of the Legislature to confirm the authority of the commission to make awards to participants in proceedings of the commission commenced on or before December 31, 1984, pursuant to the commission's rules and regulations, and to require that awards in proceedings commenced on and after January 1, 1985, be governed by this bill.

The bill would authorize the commission to award reasonable advocate's fees, expert witness fees, and other costs of participation or intervention in any hearing or proceeding for the purpose of modifying a rate or establishing a fact or rule that may influence a rate to any customer of an electrical, gas, telephone, telegraph, or water corporation meeting the bill's requirements regarding substantial contribution to the proceeding and financial hardship as a result of participation. The bill would specify how the customer is to make application for an award and the basis for the commission's determination of the customer's eligibility therefor. The bill would authorize the commission to designate a common legal representative in cases where it finds it appropriate to do so. The bill would direct that any award of compensation ordered by the commission shall be paid by the public utility which is the subject of the hearing or proceeding, and would authorize the public utility to recover through its rates the amount of the award so ordered within one year of the date of the award.

Ch. 298 (AB 2374) Condit. Cal-Vet- forfeited property.

Under the Veterans' Farm and Home Purchase Act of 1974, the Department of Veterans Affairs acquires a farm or home selected by a qualified veteran purchaser and sells the property to the purchaser under a contract of sale. If the purchaser defaults on the contract, the department may declare a forfeiture, cancel the contract, and retake possession of the property, and may then sell the property.

This bill would authorize the department to prepare and make available to licensed real estate brokers, for a fee, schedules of properties reacquired by the department and available for sale, by geographic area. The bill would permit the department to enter into real estate listing agreements, exclusive or otherwise, with brokers, and to cooperate in the showing of any property so listed.

Ch. 299 (AB 3284) Clute. Mobilehomes.

Existing law requires the management of a mobilehome park to meet and consult with the homeowners, upon written request, either individually, collectively, or with a representative of a group of homeowners who have signed a request to be so represented on specified matters.

This bill would require the management to meet and confer within 30 days of the request.

Ch. 300 (AB 2482) Clute. Schools: crimes.

Current law defines certain crimes specifically relating to actions which take place on school property.

This bill would require the Attorney General, on or before June 30, 1985, to prepare and submit to the Superintendent of Public Instruction a report, written in easily understandable language, which contains a complete summary of state penal and civil laws pertaining to crimes committed against persons and property on school grounds. The bill would require the superintendent to duplicate and distribute this report to all superintendents of school districts and request the superintendents to ensure that a copy of the report is posted and available on request at every school location and to provide notice of the report to each parent or guardian in their next regular communication.

Ch. 301 (AB 3204) Bader. Mobilehomes.

(1) Under existing law, manufactured homes, mobilehomes, and commercial coaches may be placed upon permanent foundations in certain circumstances, including situations where the property is subject to a lease of 35 years or more when the lease is not revocable at the discretion of the lessor, except in specified circumstances.

This bill would, in addition, permit those houses and coaches to be placed upon permanent foundations if the lease is for a term less than 35 years that has been mutually agreed upon by the lessor and lessee.

(2) Under existing law, mobilehomes and manufactured homes sited in mobilehome parks constructed on or after January 1, 1982, may be placed on permanent foundations if specified requirements are satisfied

This bill would provide that any manufactured home or mobilehome originally sited on or after January 1, 1985, in a mobilehome park constructed prior to January 1, 1982, may be placed on a permanent foundation.

Ch. 302 (AB 3671) Johnston. Counties: real property.

Existing law prescribes conditions and procedures for the disposition and acquisition of real property by counties. Generally, the sale of county real property, and the construction of county facilities is required to be accomplished through competitive bidding.

This bill would authorize a county of the 15th class (San Joaquin County) to sell, trade, or lease real property which the county owns (the Hotel Stockton), and which is occupied by a county agency. The replacement facility would be acquired through a lease-purchase arrangement. The bill would authorize the county to utilize an open and competitive request-for-proposal process in this transaction.

Ch. 303 (SB 1761) Garamendi. Credit unions

Existing law requires the bylaws of a credit union to prescribe the manner in which the business of the credit union shall be conducted with reference to specified matters, including (1) the condition upon which the shares may be issued, paid for, transferred, and withdrawn; (2) the charge, if any, which may be imposed for failure to punctually meet obligations to the credit union, (3) the conditions upon which certificates may be issued and withdrawn; (4) the manner in which the funds of the credit union shall be employed; (5) the conditions upon which loans may be made and repaid; (6) the method of receipting for money paid on account of shares, certificates, or loans; and (7) the manner in which dividends may be determined and paid to members

This bill would delete those provisions.

Existing law provides that the capital of a credit union consists of payments made by members on shares.

This bill would additionally provide that the shares may be structured to include shares with a par value and shares with no par value, as required by a prescribed written savings capital structure policy, and would provide for regulation of the equity capital of the credit union.

Existing law provides that loans made by a credit union from the National Credit Union Central Liquidity Facility shall not be included in the aggregate borrowings for purposes of the limitation on borrowing.

This bill would instead prohibit those loans from being included in computing the aggregate borrowings of a credit union.

The bill would also revise the special duties of the directors in regard to declaring dividends on shares and would revise the requirements for admitting a member to the credit union.

Existing law provides for disclosure of credit union account charges and certain dividend information, as specified.

This bill would additionally require disclosure of information as to the method of dividend calculation and, if the rate of dividend varies, the circumstances under which a variation may occur and the method of determining the new rate of interest.

The bill would also make conforming changes.

Ch. 304 (AB 2666) Chacon. Factory-built housing

Under existing law, the Department of Housing and Community Development is charged with various powers and duties with respect to factory-built housing. The department may, by written contract, delegate its enforcement authority to local governmental agencies.

This bill would require the department to provide by regulation for private organizations to be approved as "design approval agencies" of factory-built housing plans and specifications and would specify that the approvals of these agencies shall be deemed the equivalent of approval by the department.

Ch. 305 (AB 3330) Connelly. State Civil Service employees separation: reinstatement

Existing law authorizes an appointing power, in his or her discretion, to reinstate any probationary or permanent State Civil Service employee who was separated from employment under specified circumstances. It requires reinstatement to be done, among other things, within 3 years unless the employee, other than members of the California Highway Patrol, has remained in state service without a break due to permanent separation. It also requires reinstatement within 5 years for a state employee who returned prior to January 1, 1979, as specified, and for an employee separated by layoff, or resignation in lieu of layoff, as specified.

This bill would delete the 5-year time limit for reinstatement of employees to state service, would make the 3-year limit applicable, as specified, only to members of the California Highway Patrol, and would make related changes.

Ch. 306 (AB 2474) Rogers. Subdivisions: exemption: windpowered electrical generation.

The existing Subdivision Map Act generally applies, with specified exceptions, to any division of a parcel of land for purposes of sale, lease, or financing. The act requires a subdivider to prepare tentative and final subdivision maps and to obtain city or county approval for any subdivision creating 4 or more parcels, and authorizes local regulation of subdivisions creating fewer than 4 parcels.

This bill would exempt from regulation under the Subdivision Map Act the leasing of, or granting of an easement to, a parcel, or a portion or portions thereof, in conjunction with the financing, erection, and sale or lease of a windpowered electrical generation device on the land, if the project is otherwise subject to discretionary action of the advisory agency or legislative body.

Ch. 307 (SB 1328) Johnson. Public cemetery districts.

(1) Under existing law, public cemetery districts are generally authorized to bury deceased residents and, in limited circumstances, to bury deceased nonresidents.

This bill, if specified conditions are met, would authorize public cemetery districts to bury deceased nonresidents who died in military service or who died in the line of duty as a peace officer or fireman. The bill would also authorize the Newcastle-Rocklin-Loomis-Gold Hill Cemetery District to bury a nonresident decedent who died while serving on active duty in the armed forces from November 15, 1983, to the effective date of the bill.

(2) The bill would take effect immediately as an urgency statute.

Ch. 308 (AB 1714) Johnston. Teachers' retirement system

Existing law provides for a retirement system for teachers. It also provides specified options to teachers in choosing their retirement allowances.

This bill would add additional options.

Ch. 309 (SB 1061) Joint Committee on the State's Economy. Tourism.

Existing law provides for the California State World Trade Commission with specified duties concerning international trade and international tourism as it relates to the overall growth of California's economy.

In addition, existing law provides for an Office of Tourism under the jurisdiction of the Department of Economic and Business Development.

This bill, in addition to the above existing law, would make certain legislative findings and declarations concerning tourism, and would establish the California Tourism Policy Act and the California Tourism Commission within the Department of Economic and Business Development with specified duties and responsibilities related to tourism.

The bill also would add additional responsibilities to those functions delegated to the Office of Tourism

This bill would appropriate \$3,000,000 from the General Fund to the Department of Economic and Business Development in augmentation of a specified item of the 1984 Budget Act for purposes of the provisions of this bill

Ch 310 (AB 1676) Elder. Coastal zone: development: ports; local agency bonds

(1) Existing law contains general provisions specifying that defined local agencies may issue bonds at a 12% coupon interest rate until January 1, 1986, and at 10% thereafter, notwithstanding other provisions of law regarding the maximum interest rate on bonds of particular local agencies

This bill would make the coupon interest rate limitation in these general provisions supersede the coupon interest rate limitations in other laws, unless the other law specifically provides otherwise. The bill would specify that previously issued bonds of local agencies that are consistent with the maximum coupon interest rate prescribed by the above general provisions of existing law at the time of issuance are legal, valid, and binding obligations of the issuing local agency. The bill would make declarations of legislative intent and state that the bill is declaratory of existing law

(2) The California Coastal Act of 1976 provides for the planning and regulation of development within the coastal zone, as defined, which shall be based on various coastal resources planning and management policies set forth in the act. The act provides for the development of coastal water areas within the jurisdiction of designated ports in the state, under prescribed conditions. This bill would require the California Coastal Commission, in permitting water areas to be diked, filled, or dredged within the jurisdiction of these ports, to balance and consider socioeconomic and environmental factors.

(3) The bill would take effect immediately as an urgency statute.

Ch 311 (AB 232) Stirling Civil procedure

(1) Existing law does not expressly provide for appellate review prior to trial of a determination by the court of the good faith of a settlement between the plaintiff and one or more joint tortfeasors in a case involving alleged multiple tortfeasors

This bill would provide that any party aggrieved by such determination may file a petition for review of the determination by writ of mandate, as specified.

(2) Under existing law, all applications for a judgment on a sister state judgment are required to be filed in the office of the clerk of the superior court

This bill would require applications for a judgment on a sister state judgment to be filed in a municipal or justice court in all cases in which the sister state judgment is \$15,000 or less, and make conforming changes.

Ch. 312 (SB 1365) Keene Powers of attorney.

Existing law sets forth a procedure for court enforcement of the duties of an attorney in fact under a power of attorney. That procedure relates to a power of attorney appointing a natural person as attorney in fact who was a resident of the state when the power of attorney was created or when the action was filed.

This bill would delete the reference to residency of the attorney in fact but would provide for the stay or dismissal of the action if the court finds that in the interest of substantial justice the action should be heard in a forum outside the state.

Existing law requires a durable power of attorney to be accompanied by the approval of the principal's lawyer if it would eliminate the right of certain persons to seek review of certain acts, and requires a durable power of attorney for health care that is not a printed form to contain a statement by the principal's lawyer stating that the lawyer has advised the client of rights, consequences, and applicable law.

This bill would, in both the above instances, require the principal's lawyer to have signed a statement stating that the lawyer is authorized to practice law in the state where the power of attorney is executed, that the principal is his or her client, and that the lawyer has advised the client of the client's rights, the consequences of signing, and applicable law, as specified

Existing law provides for the creation of a durable power of attorney for health care under which a principal may grant authority to an attorney in fact to make health care

decisions for the principal. Existing law provides that, subject to any limitations in the power of attorney, those health decisions may include decisions as to a disposition under the Uniform Anatomical Gift Act.

This bill would specify that the decisions may also include authorizing an autopsy or directing the disposition of remains.

Under existing law, an employee of a treating health care provider or health facility may not be designated as the attorney in fact.

This bill would provide that an employee of a treating health care provider or health facility may be designated as the attorney in fact if the employee is a relative of the principal by blood, marriage, or adoption.

Under existing law, the authority of an attorney in fact may be revoked in various ways.

This bill would provide that if that authority is revoked, a person is not subject to criminal prosecution or civil liability for acting in good faith reliance upon that durable power of attorney unless the person had actual knowledge of the revocation.

This bill would also provide for a statutory form durable power of attorney for health care, and would set forth this form and the provisions relating to its use.

Ch. 313 (AB 2662) Alatorre Seismic safety: preparedness activities: appropriation.

Existing law requires the Seismic Safety Commission, in conjunction with local, state, and federal agencies, to undertake a comprehensive program to prepare the state for responding to a major earthquake prediction.

This bill would appropriate \$750,000 from the General Fund for the 1984-85 fiscal year, to be allocated \$375,000 to the commission and \$375,000 to the Office of Emergency Services for furthering comprehensive earthquake preparedness in southern and northern California, as specified. The bill would make encumbrance of those funds contingent upon the commission and the office each receiving matching federal assistance funds.

The bill would take effect immediately as an urgency statute

Ch. 314 (SB 1301) Johnson. Municipal utility districts: change of name

The Municipal Utility District Act provides for the formation and operation of municipal utility districts and the furnishing of the inhabitants thereof with light, power, water, heat, transportation, telephone service or other means of communication, or means for the collection, treatment, or disposal of garbage, sewage, or other refuse.

This bill would specifically permit a district to change its name by resolution of its board.

The bill would take effect immediately as an urgency statute.

Ch. 315 (SB 1565) Johnson. Counties: director of finance.

Existing law allows the board of supervisors of any county to establish the office of county director of finance, an appointive office which is a consolidation of the offices of auditor, controller, tax collector, and treasurer. The board of supervisors is required to submit its proposal for establishing the office of director of finance to the county electorate for approval

This bill would authorize a proposal submitted to the electors to present the question of making the office of director of finance either an elective or an appointive office

Ch. 316 (SB 1608) Royce. Apprenticeship.

Existing law provides that the Director of Industrial Relations, or his duly authorized representative, shall administer the provisions of the apprenticeship law, including, among other things, cooperating in the formation of joint apprenticeship committees

This bill would instead provide that the Chief of the Division of Apprenticeship Standards, or his or her duly authorized representative, shall administer the apprenticeship law, including, among other things, cooperating in the development of apprenticeship programs, and would require the chief to audit all selection and disciplinary proceedings of apprentices or prospective apprentices.

Ch. 317 (SB 2122) Hart. Foster care

Existing law has various provisions relating to the circumstances under which a minor may be placed in a foster home, and provides for the appointment of counsel for the

minor if he so desires, but does not provide for the minor to make a statement to the court making the decision

This bill would give minors being considered for placement in a foster home the right to make a brief statement to the court making a decision on placement. The court could disregard any preferences expressed by the minor. The minor's right to make a statement would not be limited to the initial placement, but would continue for any proceedings concerning continued placement or a decision to return to parental custody.

Ch 318 (SB 1518) Stiern. Courts Kern County.

(1) Existing law establishes the compensation of superior court reporters and the number, compensation, and classification of municipal court personnel in Kern County.

This bill would revise the compensation of superior court reporters and the number and compensation of municipal court personnel in Kern County, thereby creating a state-mandated local program

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 319 (SB 1972) Hart Courts Santa Barbara County.

(1) Existing law specifies the number, compensation, and classification of superior and municipal court personnel in Santa Barbara County.

This bill would revise compensation of superior court reporters, and revise the number, compensation, and classification of municipal court personnel, in Santa Barbara County

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 320 (SB 1635) Beverly. State park system operating agreements: use of revenues

Under existing law, the Department of Parks and Recreation may enter into agreements with other public agencies for the care, maintenance, administration, and control of lands for the state park system. Under existing law, all revenues received from lands under an agreement are required to be spent only for the care, maintenance, operation, administration, improvement, or development of the unit from which the funds were derived and recreational trails providing access to those lands

This bill would provide that where a local agency operates more than one unit of the state park system under an operating agreement, revenues received in excess of the funds needed for those purposes in one unit may be used for those purposes at other units of the state park system operated by the local agency.

Ch 321 (SB 1666) Rosenthal. Highway carriers

Existing law has deleted the former category of highway carriers designated petroleum irregular route carrier.

This bill would delete existing references to that former category of carrier, without substantive change

The bill would also make other technical and corrective changes

Ch 322 (SB 1932) Campbell Crimes: penalties

Existing law specifies penalties for violation of fire protection laws whose enforcement is within the jurisdiction of the State Fire Marshal.

This bill would modify those penalties.

Ch 323 (SB 2315) Royce. Medi-Cal

Under existing law, the State Director of Health Services is required to issue Medi-Cal cards to peace officers, or persons working under the officers' supervision, for the purpose of conducting investigations of Medi-Cal fraud, upon the order of a magistrate. This provision of existing law will remain in effect until January 1, 1987, and on that date be repealed

This bill would delete the provisions which would repeal existing law on January 1, 1987

Ch 324 (SB 1407) Johnson Employment agencies.

Existing law provides for a Bureau of Employment Agencies in the Department of Consumer Affairs under the supervision and control of the Chief of the Bureau of Employment Agencies

This bill would change the name of that bureau to the Bureau of Personnel Services and would make related changes.

Existing law does not require an employment agency to conduct personal interviews of persons to be placed as babysitters or domestic workers

This bill would require any employment agency which procures babysitting or domestic employment to conduct a personal interview and a reasonable investigation to verify the experience or training of an applicant prior to sending the applicant to babysitting or domestic employment.

Ch 325 (SB 1422) Ellis Offstreet parking: towing

Existing law prohibits persons who operate offstreet parking facilities from towing, removing, or authorizing the towing or removal of any vehicle within 24 hours of the expiration of the period for which a particular fee is charged. More recently enacted provisions of existing law generally prohibit any person from causing the removal of any vehicle from a privately owned and operated fee-paid parking facility until at least 12 hours after the expiration of the period for which the fee is paid for the vehicle

This bill would delete the latter, more recently enacted provisions of existing law described above

Ch 326 (SB 1441) Petris. Driver's licenses: refusal to take chemical tests

Persons lawfully arrested for driving under the influence of alcohol or drugs, or both, or driving with a blood alcohol content of 0.10% or more by weight, are required to submit to chemical testing of their blood, breath, or urine. The Department of Motor Vehicles is required to suspend the driver's license of persons refusing these tests for 6 months, or for one year if the person has previously been convicted within 5 years preceding the refusal of any or the above offenses or of reckless driving under prescribed circumstances.

This bill would require the department to revoke the driver's license of the person for 3 years if, during the 5 years prior to the refusal, the person was convicted of 2 or more violations of any of the above offenses or of reckless driving under prescribed circumstances

Ch 327 (SB 1524) Robbins. Air pollution: motorcycles

Existing law requires new motor vehicles to meet emission standards adopted by the State Air Resources Board prior to sale to ultimate purchasers. A motor vehicle with an odometer reading of 7,500 miles or more is conclusively presumed to have been transferred to an ultimate purchaser

This bill would exempt motorcycles from that conclusive presumption and instead specify that a motorcycle with an odometer reading of 1,350 miles or more is conclusively presumed to have been transferred to an ultimate purchaser.

Ch. 328 (SB 1580) Petris County Employees Retirement Law of 1937. alternative benefits Alameda County

Various provisions of the existing County Employees Retirement Law of 1937 authorize the governing bodies of various counties or districts therein to terminate the applicability of optional reduced alternative benefits provisions as to certain current employees of the county or the district who elect by written notice to have those provisions terminated as to them

This bill would add a similar provision applicable to the governing body of Alameda County or a district therein. This new authorization would impose state-mandated local

program costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 329 (SB 1597) Stiern. Contractors

Existing law specifies the fees to be charged by the Contractors State License Board for licenses issued pursuant to the Contractors License Law.

This bill would authorize the board to set those fees in an amount not to exceed the fees presently prescribed by law.

Ch. 330 (SB 1605) Royce. Apprenticeship

Existing law provides that local or state joint apprenticeship committees may be selected by the employer and employee organizations with specified functions relating to apprenticeship.

This bill would instead provide that an apprenticeship program sponsor may be a joint apprenticeship committee, unilateral management or labor apprenticeship committee, or an individual employer.

Existing law requires that all selection proceedings for apprentices or prospective apprentices be duly noticed to the individuals.

This bill would delete this requirement.

Existing law requires the joint apprenticeship committee to submit in writing to the Administrator of Apprenticeship an official statement of each selection procedure for apprentices, and to retain files of official explanations for the nonselection of applicants for a period of 3 years.

This bill would instead require the program sponsor to submit in writing to the Chief of the Division of Apprenticeship Standards an official statement of each selection procedure for apprentices, and to retain files of official explanations for the nonselection of applicants for a period of 5 years.

Existing law requires that the term of apprenticeship for each apprenticeable occupation shall be approved by the administrator.

This bill would instead require that the term of apprenticeship for each apprenticeable occupation shall be approved by the chief.

Existing law requires that every apprentice agreement contain specified items.

This bill would instead require that every apprentice agreement contain these specified items either directly or by reference.

This bill would also make related conforming changes.

Ch 331 (SB 1642) McCorquodale. State civil service.

Existing law defines a former position, for the purposes of the State Civil Service Act, to include, among other things, a position to which the same appointing power could have assigned an employee.

This bill would revise this definition to exclude positions from which the employee has been separated, rejected, terminated, demoted, or transferred, as specified, and would make technical changes.

The California Constitution authorizes a temporary appointment to be made to a position for which there is no employment list, and limits service under temporary appointment to a term no longer than 9 months in 12 consecutive months. Existing law limits service under a temporary appointment to a term not to exceed the probationary period for the class, usually 6 months.

This bill would delete the statutory limitation on service under a temporary appointment to a term not to exceed the probationary period for the class, and would make various technical amendments.

Existing law authorizes the State Personnel Board to investigate, with or without a hearing, the reasons for disciplinary action taken against a managerial employee. It

authorizes the board to modify the action of the appointing power after investigation.

This bill would authorize the board to modify the disciplinary action of the appointing power after investigation or hearing, and would make related conforming changes.

Existing law provides that a managerial employee who was hired from outside of state civil service and who has served in a managerial position for a combined period of at least 12 months, may be dismissed from state service only pursuant to specified provisions. Such a managerial employee, however, may be dismissed pursuant to alternate provisions of law during the first year of service in a state civil service managerial position.

This bill would authorize a dismissal action pursuant to the alternate provisions against a managerial employee who does not have previous permanent civil service status if the dismissal action is taken during the first year of service in a state civil service managerial position.

Existing law provides that a managerial employee who was hired from outside of state civil service may be demoted only to positions within the managerial classes during the first year of service in a state civil service managerial position.

This bill would provide that, if the action is taken during the first year of service in a state civil service managerial position, such a managerial employee may be demoted only to other positions designated as managerial.

Ch. 332 (SB 1842) Maddy Medi-Cal billing.

Existing law authorizes providers to submit claims to the fiscal intermediary under the Medi-Cal program pursuant to magnetic tape or computer-to-computer telephone, in a manner and format to be developed by the State Department of Health Services.

This bill would authorize claims to be submitted using electronic means approved by the director. In determining those electronic means which could be used, the director would be required to consider those electronic means listed above, as well as diskettes and any other means which may become available through technological advancements.

The bill would further provide that the department shall direct the fiscal intermediary to investigate and develop the means to incorporate as much information as possible on the electronic format.

The bill would also provide that the department shall return original devices used to submit claims by electronic means.

Ch. 333 (SB 1864) McCorquodale. Public Employees' Retirement System: death and survivor benefits

(1) The Public Employees' Retirement Law (PERL) provides, for specified members, special death benefits for industrial deaths with specified survivors and provides, in most other cases, for basic death benefits.

This bill would authorize the surviving spouse or the guardian of the minor child or children to elect, as specified, to receive the basic death benefit, in lieu of the special death benefit, as specified.

(2) A provision of the PERL authorizes surviving spouses of state members who have attained age 50, who are eligible to receive either the lump-sum death benefit known as the 1957 Survivors Benefit or a special death benefit, to elect to receive, instead, an amount that the member would have received if the member had been retired from service on the date of death and had elected optional settlement 2.

This bill would authorize contracting agencies to elect, by contract or contract amendment, to make that provision applicable to them and their employees. This new authorization would impose state-mandated local program costs since its exercise would be subject to negotiation under existing law relating to public employer-employee relations.

(3) Certain provisions of the PERL presently: (a) prescribe 1959 survivor allowances for survivors of members who are not insured by the social security system and who die before retirement; (b) authorize contracting agencies to make those provisions applicable to the members and their employees by contract, as specified; and (c) provide, under specified conditions, for coverage by those provisions, as specified, of employees of contracting agencies whose services are included in social security.

This bill would amend item (c) above to also make those provisions applicable, as specified, to certain employees of a contracting agency which is a nonprofit organiza-

tion.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(5) This bill would take effect immediately as an urgency statute.

Ch. 334 (SB 2221) Keene. Alcoholic beverages.

Existing law authorizes a person to manufacture beer for personal or family use without the need for an alcoholic beverage license.

This bill would authorize the removal of that beer from the premises where manufactured for use in competition at organized affairs, exhibitions or competitions including homemakers' contests, tastings, or judgments.

Ch. 335 (AB 2565) Stirling. Corporations.

Existing law defines "distribution to its shareholders" for the purposes of the General Corporation Law.

This bill would specify that this term does not include (1) the satisfaction of a final judgment of a court or tribunal ordering the rescission of the issuance of shares, (2) the rescission by a corporation of the issuance of its shares if the board determines, with any director who is, or would be, a party to the transaction not being entitled to vote, that it is reasonably likely the holders of the shares could legally enforce rescission, that rescission is in the best interests of the corporation, and the corporation is likely to be able to meet its liabilities as they mature, or (3) the repurchase by a corporation of its shares issued by it pursuant to an employee benefit plan if the board determines, with any director who is, or would be, a party to the transaction not being entitled to vote, that it is in the best interests of the corporation and the corporation is likely to be able to meet its liabilities as they mature.

Under the existing General Corporation Law, a corporation is prohibited from making any loan of money or property to, or guaranteeing the obligation of, any director or officer of the corporation or of its parent or subsidiary, unless the transaction or an employee benefit plan authorizing the loan or guaranty, is approved by the shareholders, as specified.

This bill would eliminate this prohibition with respect to a director or officer of any subsidiary of the corporation making the loan.

Existing law prohibits a corporation from making loans or guaranties secured by shares of the corporation's stock to any person unless the loans or guaranties are otherwise adequately secured, made pursuant to an employee benefit plan, approved by the shareholders excluding the shares of the borrower, or approved by unanimous vote of the shareholders.

This bill would specify that this prohibition applies to loans or guaranties upon the security of shares of the corporation or of its parent if the corporation's recourse in the event of default is limited to the security for the loan or guaranty, unless the loan or guaranty is adequately secured without considering these shares, or the loan or guaranty is approved by the shareholders, as specified.

The bill would make other related changes and would clarify various provisions

Existing law authorizes the Legislature to create new classes of lenders who are exempt from the interest rate restrictions and the prohibition against usury contained in Section 1 of Article XV of the California Constitution.

This bill would create an exempt class of lenders consisting of purchasers of certain debt securities, as specified.

This bill would take effect immediately as an urgency statute.

Ch. 336 (SB 387) Montoya. Telecommunications

Existing law provides that every person who for profit, knowingly and willfully manufactures, distributes or sells any device, kit, plan, or printed circuit for unauthorized interception of a subscription television service is guilty of a misdemeanor punishable by a fine not exceeding \$2,500 or imprisonment in the county jail not exceeding 90 days, or both.

This bill would provide instead that every person who, without the express authorization of a subscription television system knowingly and willfully manufactures, distributes, sells, offers to sell or advertises to sell, possesses, imports into this state or otherwise provides such devices, kits, plans, or circuits, is guilty of a misdemeanor punishable by a fine not exceeding \$10,000 or by imprisonment in the county jail, or both. A second or subsequent conviction would be punishable by a fine not exceeding \$20,000 or by imprisonment in the county jail for up to one year, or both.

This bill would also impose criminal penalties for the maintenance of an unauthorized connection or attachment to a television set for the purpose of unauthorized interception, receipt, or use of subscription television programs or services.

The bill would also provide for an award of damages to the subscription television system for violation of these provisions in an amount, as specified.

This bill would impose a state-mandated local program by creating new crimes.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide no reimbursement for a specified reason

Ch 337 (SB 1731) Rosenthal Subdivision maps.

(1) Existing law prescribes procedures for filing a final subdivision map for approval by the appropriate local legislative body

This bill would also make the prescribed procedure applicable to parcel maps.

(2) Existing law specifies the period of time for which an approved or conditionally approved tentative subdivision map remains valid.

This bill would conform another provision to the time periods presently specified.

(3) This bill would incorporate other changes proposed by SB 1660, to be operative if both bills become effective January 1, 1985, and this bill is chaptered after SB 1660.

Ch 338 (AB 1787) Hauser. State Coastal Conservancy: Emergency Fishing Fleet Safety Act

Under existing law, the State Coastal Conservancy may, generally, make grants from funds appropriated for the purpose of implementing a program of resource protection, area restoration, and resource enhancement in the coastal zone, as specified.

This bill would enact the Emergency Fishing Fleet Safety Act of 1984 to authorize the conservancy to make loans from any available, unencumbered funds appropriated to it, until January 1, 1986, under terms and conditions specified in the bill, including interest at the prevailing rate, as defined, and would thereby make an appropriation. The bill would authorize use of the loans only for the purpose of making safety improvements to working California commercial fishing boats

The bill would take effect immediately as an urgency statute.

Ch 339 (AB 3904) Wright. Weapons on school grounds.

Existing law prohibits the possession of specified weapons on the grounds of, or within, a public school providing instruction in kindergarten or any of grades 1 through 12, inclusive, or a state university, state college, or community college, and permits seizure of those weapons by a certificated or classified school employee

This bill would permit school peace officers of the above educational institutions to seize the weapons.

Ch 340 (AB 3672) Johnston. San Joaquin County: registrar of voters.

Under existing law, various duties pertaining to elections are performed by the county clerk. The county clerk is an elective office, unless the voters of the county have approved a proposal to make the office appointive. A county may also provide for an office of registrar of voters.

The law presently provides that in Monterey and Riverside Counties, a registrar of

voters may be appointed by the county board of supervisors, to discharge all duties vested by law in the county clerk which relate to and are part of the election procedure.

This bill would extend similar authority to San Joaquin County.

Ch. 341 (AB 3529) Young. Insurance.

(1) Existing law provides, with respect to specified automobile insurance policies, for the mailing or delivery of a notice of nonrenewal, cancellation, or expiration, to be mailed or delivered by the insurer to the named insured at least 20 days prior to the effective date of cancellation, as specified.

This bill would, with respect to notice of cancellation to a lienholder or an additional interest on these policies, provide that no notice of cancellation shall be effective unless mailed or delivered to the lienholder or additional interest at least 20 days prior to the effective date of cancellation. The bill further provides that the proof of mailing of the notice shall be sufficient to terminate the interest of the parties provided the notice was mailed at least the maximum number of days prior to termination of the parties' interest. It would also prohibit a lienholder or an additional interest from requiring a more restrictive form of notice.

(2) Under the existing insurance laws relating to actions on policies containing liability provisions, the term "operated by" or "when operating" is conclusively presumed to describe the conduct of the person sitting immediately behind the steering controls of the motor vehicle.

This bill would, additionally, provide that the person shall be conclusively presumed to be the sole operator of the motor vehicle. It would also define the term "use" when applied to a motor vehicle as only meaning operating, maintaining, loading, or unloading of the vehicle.

The bill would also make specified technical and clarifying changes

Ch. 342 (AB 3493) Chacon. Qualified mortgage bonds

(1) Under existing law, the maximum allocation of qualified mortgage bonds, as defined, by the Mortgage Bond Allocation Committee to any single local agency, as defined, in a calendar year may not exceed \$250,000,000.

This bill would reduce the maximum allocation to \$200,000,000.

(2) Under existing law, local governmental entities are authorized to issue revenue bonds to provide mortgage financing for the purchase, construction, or improvement of homes for persons and families of low or moderate income. Effective June 30, 1984, the existing maximum household income for eligible borrowers under the program will be reduced for specified borrowers under certain circumstances.

This bill would retain the existing maximum household income for eligible borrowers under the program until June 30, 1985, at which time the maximum household income for eligible borrowers would be reduced for specified borrowers under certain circumstances.

(3) This bill would take effect immediately as an urgency statute.

Ch. 343 (AB 3277) Bader. Registered dairy inspectors: examination eligibility.

Existing law authorizes a person to take a state employment examination for the position of registered dairy inspector if the person possesses any one of several qualifications, including the person having graduated from a 4-year college with specialization in studies which related to dairy farms, milk and milk products, or the food sciences.

This bill would add animal science to the studies which qualify a person to take the examination.

Ch. 344 (AB 3214) Farr. Grand juries.

Existing law provides for the service of grand juries during a fiscal year, except as specified, and authorizes a board of supervisors to provide for transition from a fiscal to calendar year term.

This bill would provide for transition from a calendar to fiscal year term, and would limit service by transition grand juries to 18 months

The bill would take effect immediately as an urgency statute.

Ch. 345 (AB 3206) Bader. Subdivided lands: public report.

Existing law requires the owner, his or her agent, or the subdivider, to file a notice of intention to sell or lease, containing specified information, with the Real Estate Commissioner prior to the time when subdivided lands, as defined, are to be offered for sale or lease. The commissioner may, if additional information is deemed necessary, require the completion of a questionnaire concerning the subdivision. The commissioner is required to investigate the proposed subdivision, and either issue a subdivision public report authorizing such sale or lease, or deny the public report on specified grounds.

Existing law specifies maximum filing fees which the commissioner may charge for various types of public reports.

This bill would require an application for a public report to contain a notice of intention to sell or lease and a completed questionnaire on a form prepared by the Department of Real Estate, but would authorize the Commissioner of Real Estate to waive the requirement of a completed questionnaire if the commissioner determines that prospective purchasers or lessees will be adequately protected through issuance of a public report based solely upon information contained in the notice of intention.

The bill would consolidate various existing provisions and make other technical changes.

Ch. 346 (AB 3172) Seastrand. Public Employees' Retirement System.

(1) The Public Employees' Retirement Law provides separate benefits for state safety members and includes specified employees of the Department of Parks and Recreation and the Military Department in the state safety category of membership. State safety service for these members includes service with these departments before January 1, 1982.

This bill would require that service by these members with these departments before April 1, 1982, be included in state safety service.

(2) Existing Public Employees' Retirement Law defines the terms "local policeman" and "county peace officer" to exclude persons employed to perform identification or communication duties other than certain males who made an election, as specified to be local safety members.

This bill would change the reference from "males" to "persons."

(3) The bill would also ratify, confirm, and validate certain acts by the Board of Administration of the Public Employees' Retirement System and its officers and employees and would make other specified technical changes.

Ch. 347 (AB 3139) Statham. Airports: Trinity County.

This bill would validate certain allocations by the Department of Transportation to the County of Trinity from the Aeronautics Account in the State Transportation Fund and expended by the county for airport purposes during the fiscal years 1974-75 to 1981-82, inclusive.

Ch. 348 (AB 3130) Vicencia. Alcoholic beverages: beer.

Under existing law, a wholesaler of beer may not file a written schedule of selling prices to be charged by the wholesaler unless the wholesaler has first entered into a written agreement with the beer manufacturer which sets forth the territorial limits for distribution by the wholesaler. A copy of the agreement is required to be filed with the Department of Alcoholic Beverage Control. Thereafter all sales by the wholesaler must be priced according to the schedule.

This bill would delete the reference to filing of a schedule of selling prices and otherwise recast those provisions specifically to prohibit the sale of beer by a wholesaler unless the agreement has been entered into and filed.

Ch. 349 (AB 3112) Cortese. Prisoner's property: sheriff.

Existing law requires the sheriff to pay into the general fund of the county any money of a prisoner or the proceeds of the sale of the prisoner's valuables remaining unclaimed for a period of one year after the prisoner's release or 5 years after the prisoner's death.

This bill would, alternatively, require the sheriff to pay into the general fund of the county such money 120 days after notice has been sent to the prisoner's last known address or, in the event of his or her death, one year after a notice has been sent to the prisoner's last known next of kin.

Ch. 350 (AB 3088) Harris. Civil procedure.

Under existing law, when requested by any party appearing at the trial of a question of fact in superior, municipal, or justice court, the court issues a statement of decision explaining the factual and legal basis for its decision as to the principal controverted issues at trial. In trials by referees or commissioners, findings are issued by the referee or commissioner.

This bill would instead provide that, in trials by referees or commissioners, or in a reference proceeding by agreement of the parties, statements of decision shall be issued.

Ch. 351 (AB 2802) O'Connell. Retired peace officers' firearms.

Existing law permits the carrying of a concealed or loaded firearm by certain retired peace officers, subject to the issuance of a certificate containing an endorsement whether or not the retired peace officer may carry a concealed or loaded firearm.

This bill would provide, instead, for an endorsement of the certificate only when the retired peace officer has the privilege to carry a concealed or loaded firearm.

Ch. 352 (AB 2790) Harris. Service of process.

Existing law provides that, under specified circumstances, the court shall order a summons to be published in a named newspaper, published in this state, that is most likely to give actual notice to the party to be served and direct that a copy of the summons and the complaint be immediately mailed to the party to be served if there is an ascertainable address before the expiration of the time prescribed in the publication.

This bill would provide that a copy of the summons, complaint, and order for publication be immediately mailed to the ascertainable address of the party to be served within the prescribed time limits.

Existing law provides that when a written notice of a motion is necessary, it shall be given at least 15 days before the hearing. However, if the notice of motion is served by mail, the 15-day period is increased by 5 days if the place of address is within the state, by 10 days if the place of address is outside the state but within the United States, and by 20 days if the place of address is outside the United States.

This bill would provide that the 15-day period is increased by 5 days if the place of mailing and the place of address are within the state, by 10 days if either the place of mailing or the place of address is outside the state but within the United States, and by 20 days if either the place of mailing or the place of address is outside the United States.

Ch. 353 (AB 2754) Harris. Bay Area Rapid Transit District purchases.

Under existing law, the San Francisco Bay Area Rapid Transit District is required to utilize specified competitive bidding procedures when purchasing construction services, equipment, and materials.

This bill would exempt the district from these and any other requirements when purchasing electronic data-processing or telecommunications equipment upon a finding by $\frac{2}{3}$ of the members of the governing board that the purchase of the equipment pursuant to provisions of the Public Contract Code generally applicable to the purchase does not constitute a method of procurement adequate for the district's needs. The bill would require the district, upon making that finding, to utilize a specified process of competitive negotiation, including a procedure to protest a bid award, to purchase the equipment. The bill would also authorize the district to purchase already leased electronic data-processing or telecommunications equipment, as specified.

Ch. 354 (AB 2753) Harris. Courts: forms.

Under existing law, the Judicial Council is required to develop and approve official forms for use in trial courts for any complaint, cross-complaint, or answer in any action based upon personal injury, property damage, wrongful death, unlawful detainer, breach of contract, or fraud. The use of these forms is optional until January 1, 1985, and mandatory thereafter, provided, that the clerk is required to accept such a pleading on an unapproved form but the pleading must be refiled on an approved form.

This bill would delete the requirement for use of these forms.

Ch 355 (AB 2752) Harris. Judicial arbitration

Existing law authorizes a trial court to require a party or the party's attorney, or both, to pay any reasonable expenses incurred by another party as a result of tactics or actions not based on good faith which are frivolous or cause unnecessary delay, as specified.

This bill would make those provisions also applicable in judicial arbitration proceedings.

Ch 356 (AB 2691) Bane Financial institutions. examinations.

Existing law, until January 1, 1985, requires the Superintendent of Banks to examine every trust company, trust department of title insurers, and foreign banks at least once every 2 calendar years, as specified.

This bill would delete the January 1, 1985, date of repeal.

Existing law, operative January 1, 1985, would additionally require the superintendent to inquire as to the condition and resources of a bank, trust company, and other specified institutions, the mode of managing its affairs, the actions of its board of directors, the investment and disposition of its funds, the safety and prudence of its management, the security afforded its depositors and creditors, and whether its articles of incorporation and all applicable provisions thereof are being complied with and into such other matters as the superintendent may determine.

This bill would repeal those provisions.

Ch 357 (AB 2604) Allen Alcoholic beverages: storage

Existing law permits alcoholic beverages, without the necessity of any additional license, to be stored in private warehouses, approved by the Department of Alcoholic Beverage Control, within the limits of the county in which the licensee's licensed premises are located, or in a public warehouse within that county or outside that county if it is also a United States customs bonded warehouse.

This bill would impose a \$50 fee for approval of a private warehouse.

Ch 358 (AB 2519) Stirling Electronic data processing systems

Existing law establishes a comprehensive scheme of planning, coordination, implementation, and management controls for effective and economical use of electronic data-processing systems by state agencies

Existing law also excepts various governmental entities from these provisions

This bill would add the California State University to the governmental agencies excepted from these provisions.

Ch. 359 (AB 2458) M Waters Family law

Existing law provides that absent good cause to the contrary, the court, upon determining an ability to pay, shall award reasonable attorneys' fees to a custodial parent in any action to enforce an existing order for child support.

This bill would require a similar award to a supported spouse in any action to enforce an existing order for spousal support.

Ch 360 (AB 2332) Johnson. Real estate activities.

Existing law permits a commercial bank to acquire and hold voting stock of one or more corporations whose primary activity is investment in real property.

This bill would provide, in addition, that a commercial bank may acquire and hold stock of one or more corporations, the primary activities of which are engaging in real property investment, as specified, and would also authorize a commercial bank to itself engage in real property investment. The bill would also require a commercial bank to apply to the Superintendent of Banks for approval of its general plan of real property investment prior to commencing in the investment, and would set forth the applicable application procedure, as specified

The bill would make other related and technical changes, as specified

The bill would also provide that the legality of any investment lawfully made prior to the enactment of the bill would be unaffected and that the enactment of the bill shall not be construed to require the changing of any lawful investment

The bill would take effect immediately as an urgency statute

Ch. 361 (AB 2223) Hughes. Service credit under STRS additional 2 years.

Existing provisions of the State Teachers' Retirement Law generally limit receipt of service credit to time actually served in the performance of duties.

This bill would permit members of the State Teachers' Retirement System to receive an additional 2 years of service credit, under specified conditions, if the employer, by formal action, makes specified determinations and transmits the actuarial equivalent amount of money and the system's related administrative costs to the State Teachers' Retirement System. This new authorization would impose state-mandated costs since its exercise would be subject to negotiation under existing law relating to public school employer-employee relations.

This bill would make its provisions inoperative on July 1, 1987, and would repeal those provisions as of January 1, 1988.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

Ch. 362 (AB 2249) Moore. Vehicles: vending

(1) Existing law does not contain special requirements applicable to vending from vehicles.

This bill would require any driver vending on streets from a commercial vehicle to be lawfully parked while vending products on a street in a residence district. The bill would expressly authorize counties and cities to adopt additional requirements for the public safety regulating street vending from vehicles, including a prohibition against street vending from vehicles.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by creating a new crime.

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 363 (AB 3912) Rogers. State Board of Registration for Geologists and Geophysicists

Under provisions of law repealed by Chapter 311 of the Statutes of 1983, effective January 1, 1984, the State Board of Registration for Geologists and Geophysicists was authorized to consider applications for waiver of the licensing examination.

This bill would, notwithstanding Chapter 311 of the Statutes of 1983, permit the board to consider and process applications for waiver of the examination filed prior to January 1, 1984, as specified.

This bill would take effect immediately as an urgency statute.

Ch. 364 (AB 3398) Bane. Public social services: Medi-Cal

Under existing law, in determining the share of cost of a person eligible for Medi-Cal who qualifies because he or she is disabled, but engaged in substantial gainful employment, an income exemption is allowed each month for the amount actually paid toward the cost of in-home supportive services.

This bill would extend the income exemption for the amount actually paid toward the cost of in-home supportive services to medically needy individuals who, without in-home supportive services, would require 24-hour-a-day care in a health facility or a community care facility. It would require the State Department of Health Services to seek all federal waivers necessary to allow for federal financial participation. It would continue in effect the income exemption authorized by this bill while the federal waivers are pending. If those waivers cannot be obtained, it would require the department to continue implementing the income exemption.

This bill would take effect immediately as an urgency statute. It would also require the State Department of Health Services, which administers the Medi-Cal Act, to adopt emergency regulations to implement its provisions.

Ch 365 (AB 809) M. Waters. Prison construction.

Existing law requires the Department of Corrections to prepare plans for, and construct facilities and renovations included within, its master plan.

This bill would require the department to include within those plans a plan for soliciting and receiving local public comment regarding the placement of correctional facilities. The department would be required to submit the plan to the Legislature and the Governor within 60 days of enactment of this bill, and the plan would be implemented prospectively as of that date.

This bill would take effect immediately as an urgency measure.

Ch. 366 (SB 1119) Marks. Commercial fishing: gill or trammel nets

Under existing law, a special permit is required until April 1, 1985, to use set gill or trammel nets in Districts 10 and 17 and a specified portion of District 18. The qualifications for the special permit include, among other things, that the person has made 10 or more deliveries of specified fish in a specified period of time which were taken with such a net in Districts 10 or 17 or, alternatively, that the person has made an investment of not less than \$2,500 in a specified net or a reel for recovery of the net.

This bill would change those qualifications to require one such delivery or an investment of \$2,000 in such a net or reel or both the net and reel.

The bill would take effect immediately as an urgency statute.

Ch 367 (SB 1812) Mello. Pacific Grove Marine Gardens Fish Refuge

(1) Existing law provides for the Pacific Grove Marine Gardens Fish Refuge in a designated area of Monterey Bay, which is divided into 2 areas, as specified, with restrictions on taking of fish in each area.

This bill would extend this refuge around Point Pinos into the Pacific Ocean, delete the division of the refuge into 2 areas, and would make the existing provisions on taking fish other than mollusks and crustaceans in the present Area A apply throughout the refuge.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by changing the definition of a crime or creating a new crime.

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 368 (SB 1676) Hart. Lobster traps.

(1) Under existing law, nets, including traps, may not be used within 750 feet of any pier or dock in Fish and Game District 118.5, except specified bait nets used to capture live bait.

This bill would make a conforming change to also exempt lobster traps, as discussed in (2) below, from this prohibition.

(2) Under existing law, lobster traps may be used to within 75 feet of any privately owned pier, wharf, jetty, or breakwater where the taking of lobsters is not prohibited, notwithstanding the prohibition with respect to District 118.5, as discussed in (1), above.

This bill would extend the above authorization to private docks and would delete an obsolete provision.

(3) Under existing law, generally, traps may not be used to take fish, mollusks, or crustaceans in the ocean waters of this state for commercial purposes, except under an annual permit issued by the department. Generally, except with written permission of the owner, as specified, it is unlawful to willfully disturb, move, or injure a trap belonging to another person. The taking of lobster and crab by traps, which is authorized by other specified provisions of law, is excepted from these general requirements. However, all

traps, including lobster and crab traps, are required to have at least one destruct device in accordance with specifications approved by the department.

This bill would make it unlawful, generally, to willfully or recklessly to disturb, move, or injure a trap which belongs to another person and is marked with a bouy, as specified. The bill would exempt crab and lobster traps from this general provision, except as expressly provided otherwise.

Also, the bill would, instead, require all traps, including lobster and crab traps, to have at least one destruction device that meets specifications approved by the department, and would require the specifications to provide a rapid enough destruction to facilitate escape of a substantial proportion of all species in the trap from any trap that cannot be raised.

The bill would also make clarifying changes to the general trap requirements.

(4) Under existing law, it is unlawful to willfully disturb, move, or injure a lobster trap belonging to another person.

This bill would, instead, make it unlawful to willfully or recklessly disturb, move, or injure a lobster trap which belongs to another person and which is marked with a buoy, as specified.

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by changing the definition of a crime.

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 369 (SB 2089) Lockyer. Home furnishings

Under the existing Home Furnishings Act a "supply dealer" is defined to mean a person who manufactures or sells any felt, batting, pads, or loose material in bags or containers to be used or that could be used in articles of upholstered furniture or bedding.

This bill would revise this definition to include a person who manufactures or sells any woven or plastic fabrics to be used or that could be used in articles of upholstered furniture or bedding.

Existing law provides that the California Advisory Board of Home Furnishings consists of 11 members, 5 of whom are required to be members of the industry at large and 6 of whom are required to represent the public at large. The Governor is authorized to appoint 4 of the public members and the 5 industry members.

This bill would increase board membership to 13 members, 6 members of the industry at large and 7 public members, and provide that one of the 6 industry members would be required to have been engaged and licensed as a waterbed manufacturer. The Governor would be authorized to appoint the 2 new members.

Existing law specifies the maximum fee and minimum fee which may be set by the Chief of the Bureau of Home Furnishings, with the approval of the Director of Consumer Affairs, for the issuance and renewal of each license granted under the Home Furnishings Act.

This bill would increase by 100% the amount of the maximum fee for those licenses, as specified.

Existing law provides that the fee for the initial issuance of a license issued under the Home Furnishings Act shall be fixed at an amount equal to 50% of the initial license fee then in effect if the license is issued less than one year before the date on which it will expire. Existing law further provides that the bureau shall provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

This bill would eliminate these provisions.

Existing law provides that if licenses issued under the Home Furnishings Act are not renewed they shall expire at 12 p.m. on August 31 of each even-numbered year. Existing law further provides that if a licensee fails to renew his or her license before its expiration, a delinquency fee of 20%, but not more than \$25 shall be added to the renewal fee.

This bill would provide, instead, that these licenses shall expire 2 years from the date of issuance. In addition, this bill would provide that a delinquency fee of 20%, but not more than \$50, shall be added to the renewal fee for failure to renew a license prior to its expiration.

Ch. 370 (SB 1604) Royce. Apprenticeship.

Existing law provides that the determination of the Administrator of Apprenticeship with regard to an alleged violation of an apprenticeship agreement shall be filed with the California Apprenticeship Council, and if no appeal is filed within 10 days after the determination, the determination shall become the order of the council.

This bill would instead provide that if no appeal is filed within 10 days after the date the parties are given notification of the determination of the administrator, in accordance with specified provisions, the determination shall become the order of the council.

Existing law permits any person aggrieved by any determination or action of the administrator to appeal to the council, and requires the council to hold a hearing on the appeal.

This bill would instead require the council to review the entire record, and would permit, rather than require, the council to hold a hearing on the appeal.

Existing law provides that the decision of the council shall be conclusive if court proceedings are not filed within 30 days after the date of the order or decision of the council.

This bill would instead provide that the decision of the council shall be conclusive if court proceedings are not filed within 30 days after the date the aggrieved party is given notification of the decision of the council.

Ch. 371 (SB 1447) Beverly. Unemployment insurance: exclusions

Existing law generally defines an employee as an individual who receives remuneration for services performed in this state and includes an individual who performs those services at home, as specified.

Existing law also expressly excludes various types of employment from coverage under the unemployment and disability compensation insurance law.

This bill would, notwithstanding the definition of employee and the home services included thereby, expressly exclude from coverage any service as a transcriber of depositions, court proceedings, and hearings performed away from the office of the person, firm, or association obligated to produce a transcript of these proceedings.

Ch. 372 (SB 1294) Alquist. California Health Facilities Authority.

(1) Under existing law, there is a California Health Facilities Authority which is empowered to make loans under certain conditions to nonprofit corporations or associations for financing or refinancing of the acquisition, construction, or remodeling of health facilities, as defined. Existing law authorizes the authority to issue revenue bonds for the purpose of obtaining moneys to make those loans. The total amount of revenue bonds authorized to be outstanding at any one time is limited to \$1,534,000,000.

This bill would increase the total amount of revenue bonds authorized to be outstanding at any one time by \$875,000,000. The bill would make an appropriation because the additional funds from the issuance of these bonds would be deposited in the California Health Facilities Authority Fund, which is a continuously appropriated fund.

(2) The provisions of the bill would take effect immediately as an urgency statute.

Ch. 373 (SB 1413) Watson. Drugs.

Existing law does not specifically regulate the sale or use of dimethyl sulfoxide (DMSO) in this state.

The bill would require a licensed physician and surgeon, prior to treating a patient with a DMSO preparation, to inform the patient in writing if DMSO has not been approved as a treatment or cure by the Federal Drug Administration for the disorder for which it is being prescribed and to obtain informed consent from the patient, as specified.

The bill would permit an organized health care system to require that the administration of DMSO within the system be performed pursuant to standardized procedures, as specified.

The bill would require DMSO sold in California other than by prescription to be labeled with specified information and would require the seller or supplier to give additional specified printed information to the person receiving the DMSO.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would mandate a new program or higher level of service on local government by creating new crimes.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

Ch 374 (AB 3783) Costa. Housing.

(1) Existing law requires the Department of Housing and Community Development to establish and administer an annuity fund and permits the department to make commitments to provide annuity payments from the fund directly to housing sponsors of rental housing developments which receive specified financing in order to ensure affordable rents to eligible households.

Existing law requires that any rental housing development assisted pursuant to these provisions be governed by a regulatory agreement between the sponsor and the department requiring, among other things, that elderly or physically handicapped households be allocated not less than 20%, or more than 30%, of the assisted units

This bill would, instead, require that not less than 20%, or more than 50%, of any rental housing development assisted pursuant to the above provisions be allocated to elderly or physically handicapped households. The bill would permit the department to utilize up to 2½% of the money appropriated for purposes of the above provisions for the administrative costs incurred by the department in administering those provisions.

This bill would appropriate \$5,000,000† to the Rental Housing Construction Fund, which is a continuously appropriated fund, for the purpose of implementing the above provisions

(2) The bill would take effect immediately as an urgency statute.

Ch. 375 (SB 125) L. Greene Bonds.

(1) The Leroy F. Greene State School Building Lease-Purchase Law of 1976 provides for the acquisition and construction of facilities by the state and the lease-purchase of those facilities by school districts.

This bill would enact the State School Building Lease-Purchase Bond Law of 1984, which, upon approval by the state electorate, would provide for the issuance of state general obligation bonds in an amount not to exceed \$450,000,000 and the expenditure of the revenues therefrom to provide aid to school districts in accordance with the Leroy F. Greene State School Building Lease-Purchase Law of 1976.

This bill would provide that not more than \$200,000,000 of the moneys authorized under the State School Building Lease-Purchase Bond Law of 1984 shall be reserved for the reconstruction or modernization of facilities.

(2) The bill would provide for the submission of the proposed bond act to the electorate at the General Election to be held November 6, 1984.

(3) This bill would take effect immediately as an urgency statute

Ch. 376 (SB 1465) Lockyer. Hazardous Substance Cleanup Bond Act of 1984.

(1) Existing law imposes a tax upon the disposal of hazardous waste, limits the total taxes collected in one fiscal year to \$10,000,000 less a specified amount, and provides for the deposit of this money into the Hazardous Substance Account ("California Superfund"). The money in this account may generally be expended by the State Director of Health Services, upon appropriation by the Legislature, to pay for the various costs of removal and remedial actions, related to the release of hazardous substances incurred

† Appropriation in Section 2 of chapter reduced to \$1,000,000 by action of the Governor

by the state. These provisions, including the tax, will be repealed on January 1, 1991.

This bill would increase the maximum amount of these taxes which may be collected to \$15,000,000, thereby imposing a tax for purposes of Article XIII A of the California Constitution.

The bill would extend the date of repeal of the provisions concerning the Hazardous Substance Account, including the appropriations thereof, to that date when the Department of Finance reports to the Secretary of State that the bonds have been paid and the General Fund has been reimbursed, thus imposing a tax levy for purposes of Article XIII A of the California Constitution and making an appropriation.

The bill would exempt specified persons from the hazardous substance account tax reporting requirements, the tax, and from hazardous waste disposal fees.

The bill would additionally permit the money in the account to be used to pay the principal of, and interest on, bonds sold pursuant to the Johnston-Filante Hazardous Substance Cleanup Bond Act of 1984, which the bill would enact, and would create the arbitration panel specified in (2) below. The bill would provide for the issuance and sale of general obligation bonds in an amount not to exceed \$100,000,000, and would deposit the proceeds into the Hazardous Substance Cleanup Fund, which the bill would create, to be used for remedial and removal actions at sites for which a final remedial action plan, as specified in (2) below, has been prepared or approved, and for site characterization. The bill would require that the money in the fund be expended only upon appropriation by the Legislature, as specified.

The bill would create, within the Hazardous Substance Account, the Hazardous Substance Clearing Account for the payment of the principal of, and interest on, these bonds, and in which would be deposited moneys from specified sources, including transfers from the Superfund Bond Trust Fund, which the bill would create. The bill would prescribe the order of priority for the transfer of funds from these sources. There would be deposited in the trust fund the interest earned on the Hazardous Substance Account, the unobligated balance in the state account, as defined, and other funds transferred thereto. The bill would annually transfer \$5,000,000 from the Hazardous Substance Account to the trust fund. The bill would make the provisions of the bond act inoperative if the outstanding bonds are paid for before July 1, 1991, and these provisions would be repealed on July 1, 1991.

(2) Existing law requires the State Department of Health Services to recover any costs incurred from the Hazardous Substance Account from the liable persons.

This bill would require the department or the appropriate regional water quality control board to issue a remedial action plan for all sites listed on the annual priority ranking.

The bill would create the Hazardous Substance Cleanup Arbitration Panel within the Department of Environmental Affairs, which would be authorized, upon request, to apportion the liability of persons for the costs of remedial actions for hazardous substances releases, and to negotiate cleanup agreements for these releases. The bill would authorize any person identified as potentially responsible for remedial action at the site to require the panel to conduct arbitration to apportion responsibility for the costs of carrying out a remedial action plan at the site. The bill would specify the procedures which the panel is required to follow in making the apportionment. The bill would also specify the scope of judicial review of the decision issued by the panel.

The bill would authorize the panel to issue subpoenas and subpoenas duces tecum, and to certify facts to the superior court concerning a person who takes specified actions, for purposes of punishment for contempt. The bill would also prohibit the imposition of civil liability upon a party which signs a cleanup agreement, except as specified.

(3) Existing law prohibits the recovery of hazardous substance response costs or damages from liable parties if the costs or damages resulted from an authorized or permitted release.

This bill would additionally provide that the standard of liability for any costs or expenses recoverable pursuant to the hazardous substance account recovery provisions is strict liability.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases,

for making claims to the State Board of Control for reimbursement.

This bill would extend the period during which cities, counties, and districts which dispose of hazardous waste are required to pay a tax, thereby imposing a state-mandated local program.

The bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(5) The bill, notwithstanding the 6-year repealer required by Section 2231 5 of the Revenue and Taxation Code, does not repeal the provision imposing a state-mandated local program until an undetermined date

(6) The bill would provide that, if the bill is chaptered on or before July 10, 1984, the bond act would be submitted to the voters at the November 6, 1984, General Election, and that, if the bill is chaptered after July 10, 1984, the bond act would be submitted to the voters at the next statewide election occurring at least 131 days after the effective date of the bill.

(7) The provisions of the bond act would take effect upon adoption by the voters, except that procedural provisions concerning the submission of the bond act would take effect immediately as an urgency statute.

All other provisions of the bill would take effect upon adoption of the bond act by the voters

Ch. 377 (AB 1732) Costa Water pollution: state bonds.

The Clean Water Bond Law of 1970, the Clean Water Bond Law of 1974, and the Clean Water and Water Conservation Bond Law of 1978 each provided for the issuance of state bonds, and for expenditure of the proceeds for state grants for the planning, research, development, and construction of treatment works and for certain related purposes

This bill would enact the Clean Water Bond Law of 1984, which would provide, conditioned upon approval of the state electorate, for the issuance of state bonds in an amount not exceeding \$325,000,000 for purposes of providing grants and loans to municipalities to construct treatment works and for water conservation programs, and loans to municipalities for water reclamation projects, and for certain related purposes

The bill would provide for submission of the bond proposal to the voters at the 1984 general election and those provisions would take effect upon adoption by the voters, except that procedural provisions governing the submission of the bond law would take effect immediately as an urgency statute

Ch. 378 (AB 2183) O'Connell Safe drinking water bonds

The California Safe Drinking Water Bond Law of 1976 provided for the issuance of state bonds and for the expenditure of the proceeds for state loans and grants for the construction, improvement, or rehabilitation of domestic water systems, as defined.

This bill would enact the California Safe Drinking Water Bond Law of 1984 which would provide, conditioned upon approval of the state electorate, for the issuance of state bonds in an amount not to exceed \$75,000,000 and expenditure of the proceeds for state loans and grants for those purposes. The bill would require any proceeds of bonds authorized to be issued under the 1976 bond law which are unused and uncommitted on the effective date of this bond law, to be used for loans in accordance with this bond law.

The bill would provide for the submission of the bond law to the voters at the 1984 general election and those provisions would take effect upon adoption by the voters, except that procedural provisions governing the submission of the bond law would take effect immediately as an urgency statute.

Ch. 379 (SB 964) Nielsen. Child support

Existing law provides that the district attorney in each county shall attempt to collect child support from noncustodial parents of children whose family receives aid under the Aid to Families with Dependent Children (AFDC) program. Support payments collected by the county are offset against aid payments received by the family

Existing law permits the district attorney to seek child support collections in cases not involving AFDC recipients

This bill would require that in child support actions, including those brought by the district attorney, the judge shall take the medical insurance coverage of the parties into consideration in determining child support obligations.

Existing law provides that at various stages in child support actions commenced by the district attorney, including actions involving the support of children who are AFDC recipients, a statement as to the medical insurance coverage of the responsible parent shall be filed

This bill would specify that a completed state medical insurance form, which shall be used for this purpose, shall contain specified information.

The bill would further require that these completed forms would be forwarded to the State Department of Health Services in order to obtain reimbursement from insurers for any payments made under the Medi-Cal program for which medical insurance coverage exists.

The bill would also require use of this form upon issuance of a court order for child support in these child support actions

The bill provides that counties shall receive reimbursement for administrative costs incurred due to completion of medical insurance forms.

The bill creates a state-mandated local program by imposing additional duties on each county in child support actions involving AFDC applicants and recipients.

The bill provides, however, for a mechanism for reimbursement of these costs, and with respect to the 1984-85 fiscal year, the bill requires the Director of Finance, upon request of the State Department of Health Services, to transfer funds from specified budget items in the 1984 Budget Act, in order to implement the provisions of the bill.†

Ch. 380 (AB 1873) Seastrand. Fair employment and housing.

Existing law prohibits discrimination in employment because of the race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex, or age of a person, and specifies activities in that regard which are unlawful employment practices

This bill would provide that individuals with heart trouble, as specified, who apply for the firefighter apprenticeship program, a firefighter position where the actual duties require physical active fire suppression, or a law enforcement position, as defined, where the duties consist of active law enforcement, are presumed unable to perform their duties without endangering their health and safety or the health and safety of others

This bill would also provide that the presumption may be overcome by the applicant or the Department of Fair Employment and Housing by a preponderance of evidence that the applicant can safely perform the job.

Ch 381 (AB 2577) Hauser. Insurance: policy form

Existing law imposes various requirements relating to the form of policies of disability insurance, and other requirements for insurance policies and health care service plans to supplement Medicare but does not require those plans and insurance policies to supplement Medicare that do not cover custodial care to have printed on the cover page of the outline of coverage, the statement: THIS POLICY DOES NOT COVER CUSTODIAL CARE IN A SKILLED NURSING CARE FACILITY

This bill would so provide. It would also state legislative intent.

Ch. 382 (AB 2575) Hauser. Alcoholic beverages.

Existing law makes it unlawful for any person or licensee to have upon any premises for which an alcoholic beverage license has been issued any alcoholic beverages other than those which the licensee is authorized to sell at the premises under the license.

This bill would authorize a bona fide public eating place for which an on-sale beer and wine license has been issued to have brandy, rum, or liqueurs upon the premises for use solely for cooking.

Ch. 383 (AB 2594) Lancaster. Banks

Existing law requires the Superintendent of Banks to make an annual report to the Governor during the month of October of each year, on the fiscal status of all banks and

† Appropriation in Section 6 of chapter deleted by action of the Governor

trust companies required to report to the superintendent, and other specified information.

This bill would revise these provisions to require that the annual report be submitted on or before May 31 of each year to the Governor and the Legislature. The bill would make various related changes to implement a change from a fiscal year reporting schedule to a calendar year reporting schedule, as specified.

Existing law requires the Superintendent of Banks to publish an annual report for submission to the Legislature which includes the annual report made to the Governor, as specified, and a summary of the condition of every bank under the supervision of the banking department.

This bill instead would delete that provision.

This bill would take effect immediately as an urgency statute.

Ch. 384 (AB 2714) Wyman County service areas: television

Existing law specifies the various extended services which a county may provide within a county service area. Presently, the law expressly authorizes the provision of television translator station facilities and services.

This bill would revise the conditions under which television translator station facilities may be provided.

This bill would, in addition, authorize the provision of "low-power television services" within a county service area.

Ch. 385 (AB 2827) McClintock. Corporations

Existing law provides that where a corporation is a party in the municipal or justice court it may appear through a director, officer, or employee whether or not the person is an attorney.

This bill would specifically provide that where a corporation is a party to an appeal to the superior court from a small claims action, the corporation may appear through a director, an officer, or an employee, whether or not that person is an attorney if that person is the owner of the corporation.

Ch. 386 (AB 3405) McClintock Mobilehome parks.

Under the so-called Mobilehome Parks Act, various fees are charged for building permits.

This bill would include mechanical, electrical, and plumbing permits among those for which a fee may be charged. It would also change one of the uniform codes with which the fees must be consistent. The bill would further specify that permits to operate shall be issued for a 12-month period and prescribe penalties and establish permit fees.

Ch. 387 (AB 3482) Harris. Peace officers.

Existing law does not, generally, allow a person who has been convicted of a felony, or an offense in another state which would have been a felony in this state, from holding or being employed as a probation officer with the state or local government.

This bill would allow employment of persons in certain capacities in an institution operated by a probation department, if at the time of the person's hire, a prior felony conviction was known to the employer and the class of office which the person held was not declared by law to be a class prohibited to persons convicted of a felony, but as a result of a change in classification, as provided by law, the new classification would be so prohibited.

Ch. 388 (AB 3572) La Follette. Prisoners: transfer from county to city jails.

Existing law makes no provision for a transfer of convicted prisoners from a county to a city jail when facilities are no longer available in the county jail because of crowded conditions.

This bill would authorize a sheriff to make this transfer upon terms agreed upon by the governing body of the city and the board of supervisors. It would provide that the terms may indicate that the facilities are to be provided free of charge to the county.

Ch. 389 (AB 3624) Areias. Milk: fees.

Existing law prescribes initial fees for licensing milk testers, milk samplers, milk technicians, and milk pasteurizers and prescribes a fee to renew these licenses.

This bill would increase these fees by prescribed amounts.

Ch. 390 (AB 4040) Young. Fair political practices: records.

Under the Political Reform Act of 1974, the original campaign statements of mayors, city council members and county supervisors, and candidates for any of these offices, shall be retained by the filing officers indefinitely.

This bill would provide that when the candidate is not elected these original campaign statements shall only be retained by the filing officers for a period of not less than 5 years.

This bill would take effect immediately as an urgency statute.

Ch. 391 (AB 2354) Alatorre. Veterans' bonds.

This bill would enact the Veterans Bond Act of 1984 to authorize \$650,000,000 in state bonds for farm, home, and mobilehome purchase assistance for veterans, and would provide for submission of the act to the people at the statewide election occurring on November 6, 1984, to take effect upon adoption by the voters at that election.

The bill would also enact certain procedural provisions governing the submission of the Veterans Bond Act of 1984 to the voters, and these provisions would take effect immediately as an urgency statute.

Ch. 392 (AB 1872) Elder. State Teachers' Retirement System.

The existing State Teachers' Retirement Law provides that the Teachers' Retirement Board has the exclusive control of the investment of the Teachers' Retirement Fund and that the fund is a trust fund created and administered solely for the benefit of the members, retirants, and beneficiaries of the system.

This bill would authorize the Teachers' Retirement Board to establish a program utilizing the retirement fund to assist currently employed members and retirants, through financing, to obtain homes in this state, subject to specified conditions.

Ch. 393 (AB 2941) Clute. Geothermal wells: fees exemption

Existing law requires the State Oil and Gas Supervisor to establish an annual well fee to be imposed, with specified exceptions, upon each producing, service, and idle geothermal well that existed at any time during the preceding calendar year to provide funds, as prescribed, for the supervision of geothermal resource wells.

This bill would prohibit the fee from being imposed on a well of any depth drilled for observation purposes and any low-temperature well, including one drilled for the purpose of filling a hot water spa or pool intended for human immersion. The bill would authorize the supervisor to adopt regulations governing intermediate and deep wells drilled for geothermal observation purposes which may specify the content of any written program for wells drilled for that purpose to be submitted to the supervisor for approval, the fee, if any, for each well or program, and other matters.

The bill would take effect immediately as an urgency statute.

Ch. 394 (AB 1239) Seastrand. Local agency formation commissions.

Existing law requires each local agency formation commission (LAFCO) to determine and to periodically review and update a "sphere of influence," as defined, for each local governmental agency within the county, and in doing so, to consider various factors including, among other things, the existence of agricultural preserves, as defined, in the area. Existing law defines "agricultural preserves," for purposes of those provisions, as an area devoted to an agricultural, recreational, or open-space use, or any combination of those uses.

This bill would, instead, require LAFCO to consider the existence of agricultural lands when determining spheres of influence and would define "agricultural lands" as land used for the purpose of producing an agricultural commodity for commercial purposes.

The bill would also make conforming changes in another provision of law.

Under existing law, LAFCO is required to consider specified factors in reviewing a proposal.

This bill would also expressly require LAFCO to consider the comments of any affected local agency.

Ch. 395 (AB 2484) La Follette. School crimes: access to school premises.

(1) Existing law contains provisions which, at the option of a school board, apply to the grounds of a public school in the district to prohibit an outsider, as defined, from entering school grounds during school hours unless the outsider is registered with the principal of the school or his or her designee, as specified. Existing law makes a violation of these provisions after a previous conviction of a violation of these provisions a misdemeanor and provides for a minimum jail sentence of 10 days if the violation occurs within 7 years of 2 or more prior violations resulting in conviction.

This bill would make various changes in the provisions relating to the refusal or revocation of a registration. The bill would repeal the provision which makes it an infraction to willfully and knowingly violate the above provisions, with certain exceptions, and, instead, would make it a misdemeanor, punishable as specified, for certain outsiders to fail or refuse to promptly leave school grounds after being requested to do so by the principal, designee, or school security officer or to fail to remain off school grounds for 72 hours after being requested to leave, thus imposing a state-mandated local program. With respect to repeat offenses, this bill would instead make it a misdemeanor to violate these provisions within 7 years of 2 or more prior violations resulting in conviction and would impose a minimum jail sentence of 10 days. This bill would specify that the penalties imposed by the provisions of this bill shall not be utilized to infringe upon the legitimate exercise of constitutionally protected rights of free speech or assembly.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 396 (AB 2877) Connelly. Vehicles: evading arrest

(1) Existing law makes it a misdemeanor for any person, while operating a motor vehicle, to willfully flee or otherwise attempt to elude a pursuing peace officer's vehicle, under prescribed circumstances. Where the offense does not result in bodily injury or death, it is punishable by imprisonment in the county jail not exceeding 5 days or by a fine not exceeding \$50. However, for a second conviction of the offense within a year, the penalty is imprisonment in the county jail not exceeding 10 days or a fine not exceeding \$100, or both. For a third conviction within a year, the offense is punishable by imprisonment in the county jail not exceeding 6 months or by a fine not exceeding \$500, or both.

This bill would impose a state-mandated local program by increasing the maximum penalties for this offense by making it punishable in all instances by imprisonment in the county jail not exceeding 6 months or by a fine not exceeding \$1,000, or both.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 397 (AB 2558) Harris. Termination of marriage

Existing law, to become operative July 1, 1984, requires each judgment declaring a marriage a nullity or dissolving a marriage to contain a notice indicating that a party to the judgment should review his or her will.

This bill, in addition, would require that the notice indicate that insurance policies, retirement benefit plans, and other matters should be reviewed.

Existing law requires each judgment of dissolution of marriage, or judgment of legal separation, to contain a notice that, even if a contractual obligation is assigned to one party as part of the division of the community, the creditor may have a cause of action against the other party if the party to whom the obligation was assigned defaults on the contract.

This bill would recast the language of the required notice.

This bill would make a technical change relating to judgments of dissolution

This bill would take effect immediately as an urgency statute, but would become operative on July 1, 1984, except as otherwise specified.

Ch. 398 (AB 2759) Baker Juvenile court law.

Under existing law, juvenile court hearings concerning petitions filed alleging the commission of specified offenses, with certain exceptions, are open to the public.

This bill would additionally provide that the name of the minor alleged to have committed one of the specified offenses shall not be confidential, unless the court, for good cause, so orders. It would also specifically state that its provisions shall not be construed to prohibit or restrict a court from identifying a case by the defendant's first name and the initial of his or her last name.

Ch. 399 (AB 4030) Robinson. Alcoholic beverages.

Existing law authorizes the issuance of a special on-sale general license for the sale of alcoholic beverages to any nonprofit theater company meeting specified conditions and exempts such nonprofit theater company from the definition of public premises for the purposes of the Alcoholic Beverage Control Act. The law provides that these provisions are to be operative until January 1, 1985, and on that date are to be repealed.

This bill would delete that repealing date.

This bill would specifically authorize the issuance of a special on-sale general license to any nonprofit symphony association which has been in existence for more than 30 years and which is tax exempt, as specified.

A symphony association holding such a license could, subject to the provisions on daily closing hours, sell and serve alcoholic beverages to ticketholders only during the period commencing 2 hours prior to, and one hour after, a concert presented by the association

The bill would provide that the act is to take effect immediately as an urgency statute.

Ch. 400 (AB 2218) Baker. Traffic offenses: venue.

Under existing law, a person who is issued a notice to appear or notice of violation under the Vehicle Code may demand that the venue for appearance be the county seat or the judicial district in which the offense is alleged to have been committed.

This bill would instead authorize the person who is issued the citation to demand venue at the county seat if the person resides, or the person's principal place of employment is located, closer to the county seat than the municipal court or other magistrate nearest or most accessible to the place where the arrest is made.

Ch. 401 (AB 3840) Mojonner. Evidence.

Existing law prescribes the method of and the limitations on the introduction of evidence in civil and criminal proceedings.

This bill would revise that law, as specified, with regard to the definition of "unavailability of a witness," to include instances in which expert testimony, as defined, establishes that physical or mental trauma resulting from an alleged crime has caused harm to a witness of specified severity.

Ch. 402 (AB 3291) Calderon. Family law: restraining orders.

Under existing law, in any proceeding for the dissolution of a marriage or to determine it void or voidable, the court may issue ex parte orders enjoining a party from certain forms of conduct. The court is required to order the party who obtained the order or his or her attorney to deliver or the clerk to mail a copy of any such order, or extension, modification, or termination thereof to each local law enforcement agency designated by the party or his or her attorney, having jurisdiction over the residence of the party and such other locations where the court determines that acts of domestic violence against the party are likely to occur, as specified

This bill would specify that notwithstanding the foregoing requirement, such an order is enforceable in any place in this state, except that it would not be enforceable by a law enforcement agency for a place that has not received a copy, as specified, unless the officer enforcing the order has been shown a copy. It would also require the orders to state on their face that they are enforceable in any place in the state, subject to the above-mentioned limitations

Ch 403 (AB 2248) Moore. Alcoholic beverages.

Existing law provides that any person under the age of 21 years who purchases any alcoholic beverage, or any person under the age of 21 years who consumes any alcoholic beverage in any on-sale premises, is guilty of a misdemeanor and subject to a fine of not less than \$200, no part of which may be suspended.

This bill would instead provide that the person be punished by a fine of not less than \$100, no part of which shall be suspended, or required to perform not less than 24 hours nor more than 32 hours of community service, as specified. A person with a previous conviction would be guilty of a misdemeanor and punished by a fine of not less than \$100, no part of which shall be suspended, and, in addition, required to perform not less than 24 hours nor more than 32 hours of community service, as specified, except in any case in which the court makes a finding and states on the record its reasons that such community service would be inappropriate.

Ch. 404 (AB 3444) Bane. Barbers: licensing fees.

Existing law authorizes the Board of Barber Examiners to impose various fees and penalties for the examination of applicants for licensure as barbers.

This bill would increase certain of those fees.

The bill would also provide that no raise in fees for any one category of fees imposed by the board in any given year shall exceed 150% of the Consumer Price Index increase for the previous year up to and not to exceed the maximum amount allowable for fees for any purpose relating to barbering.

Ch. 405 (AB 3366) W Brown. Statistical tabulations: Pacific Islanders.

Existing law provides for the statistical tabulation by state agencies and departments of Filipinos as Filipinos.

This bill would provide for the statistical tabulation by state agencies and departments of Pacific Islanders as Pacific Islanders, who are defined as such by the 1980 federal census.

Ch. 406 (AB 3200) Stirling. Public retirement: PERS' acquisition of seat on New York Stock Exchange—study.

The existing Public Employees' Retirement Law: authorizes the investment of moneys of the system in corporate stock, subject to specified constitutionally imposed conditions and limitations, vests exclusive control over the administration and investment of the fund in the Board of Administration; requires the board to appoint officers and employees; provides for employment of investment counsel, as specified; permits, under specified conditions, contracting with qualified investment personnel with specified investment expertise to render service in connection with the board's investment program; and requires retention, by contract, of not less than 2 separate individual investment advisers with funding therefor by a continuous appropriation from the Public Employees' Retirement Fund.

This bill would require the board to conduct a study of whether the system should acquire a seat on the New York Stock Exchange and to report its findings and recommendations thereon to the Legislature on or before January 1, 1985.

This bill would take effect immediately as an urgency statute.

Ch 407 (AB 2830) McClintock. Property taxation planned developments.

Under existing law, for purposes of assessing property for property tax purposes, the county assessor is required to prorate the value attributable to the common area of a planned development, as defined, to the separately owned lots, parcels, or areas of the development if the planned development satisfies specified conditions. One of these conditions is that the development be a residential development.

This bill would eliminate this condition, would require the county assessor to apply this assessment procedure in circumstances in which the procedure is not presently required, and would thereby impose a state-mandated local program.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 408 (AB 3327) Johnston. California Educational Facilities Authority.

Existing law authorizes the California Educational Facilities Authority to have a total of \$500,000,000 in bonds outstanding at any one time.

This bill would raise the authorized total of outstanding bonds to \$750,000,000 and would provide that bonds for the payment of which funds have been placed in escrow prior to maturity or redemption shall no longer be treated as outstanding for the purpose of this limitation.

This bill would take effect immediately as an urgency statute.

Ch. 409 (AB 2741) Isenberg. State highways: routes.

Existing law describes and specifies the route number designation and descriptions of routes in the state highway system, the California freeway and expressway system, and the state scenic highway system.

This bill would make various changes in the route number designations and descriptions.

The bill would delete an obsolete provision.

Ch. 410 (AB 3057) Frizzelle. Motor vehicle inspection program.

Existing law requires the Department of Consumer Affairs to develop and implement a motor vehicle inspection program in urban nonattainment areas. The motor vehicle inspection program may include advisory safety and full efficiency checks on the motor vehicle, and the department is required to specify the equipment and procedures for the checks. If an advisory check is performed, the entity performing the check is required to give a liability notice to the motor vehicle owner.

This bill would delete the requirement that an entity performing an advisory check give a liability notice to the owner.

Ch. 411 (AB 2573) Cortese. Vessels

(1) Existing law defines "vessel," for purposes of registration requirements, as any watercraft, with certain exceptions, capable of being used for transportation over water. This bill would expressly exclude from the definition of vessel a stationary waterborne residential dwelling meeting specified criteria.

(2) Existing law authorizes the Department of Motor Vehicles to adopt regulations for registration of publicly owned vessels without payment of a fee.

This bill would specify that this fee exemption would not apply to fees for duplicate certificates of ownership, duplicate certificates of number, or substitute current year registration stickers.

(3) Existing law requires dealers acquiring a vessel for resale to obtain a temporary certificate of number for the vessel from the department. The department is required to notify the assessor of the county where the dealer is located of this change of ownership.

This bill would delete those provisions of existing law.

(4) Existing law requires a certificate of number for a vessel to be renewed between January 1 and the first Friday of February.

This bill would instead require renewal before midnight of the expiration date.

(5) Existing law generally requires a \$5 fee for issuance of duplicate certificates of number, duplicate certificates of ownership of a vessel, or duplicate current year registration stickers for a vessel. Specified nonprofit corporations are exempt from this fee.

This bill would delete that exemption.

Ch. 412 (AB 3386) Farr. Office of Criminal Justice Planning domestic violence

Under existing law, provisions are made for the funding of domestic violence programs through the deposit of a portion of marriage license fees into a county domestic violence programs special fund.

This bill would authorize the Office of Criminal Justice Planning to expend funds for local domestic violence programs, subject to the availability of funds.

Ch. 413 (AB 3367) Elder. Real estate licensees: examination waiver.

Existing law provides that the Commissioner of Real Estate may, in his or her discretion, waive the examination of any applicant for a real estate broker's or salesperson's license who held an unrevoked or unsuspended real estate broker's or salesperson's license, respectively, within the 2-year period immediately preceding the date of the application for the license.

This bill would repeal that examination waiver provision.

Ch. 414 (AB 3116) Allen. Real estate licenses.

Under existing law, if an applicant for any real estate examination fails to take the examination on the date scheduled, the applicant may make an application to the Department of Real Estate for a new date. A broker applicant must pay a fee of \$15 and a salesman applicant a fee of \$10 to apply for a new examination date.

This bill would provide that these fees shall apply with respect to an application for the first new examination date. The bill would further provide that a fee of \$25 shall accompany the written request for all subsequent new examination dates for both broker and salesman applicants.

Ch. 415 (AB 2644) Cortese. Agricultural land: cancellation of contracts.

Existing provisions of the California Land Conservation Act of 1965 (the Williamson Act) permit, consistent with specific provisions of the act governing cancellation, the cancellation of a contract restricting the use of land as to that portion or interest in contracted land remaining after condemnation or other public acquisition of a portion or of less than fee title of that land if a finding is made by the board of supervisors or city council that no authorized use may be made of the portion or interest still under contract.

This bill would revise the above authorization to provide that the aforementioned finding will satisfy only certain of the specific provisions of the act governing cancellation of contracts.

Ch. 416 (SB 1443) Robbins. 1984 Olympic Games.

Existing law provides a comprehensive regulatory scheme applicable to mobilehomes and recreational vehicles situated in a mobilehome park. It provides that the standards provided therein for construction, maintenance, occupancy, use, and design of mobilehome parks shall supersede any similar local regulation, and authorizes a local agency to become the enforcement agency of the state provisions.

This bill would provide that, notwithstanding any other provision of law, in order to provide additional housing for the 1984 Olympics, a local agency may authorize the use of temporary sites for recreational vehicles if the use thereof is limited as to specific dates and distances from an official 1984 Olympics activity site. Tidelands, wetlands, and other areas could not be used for these temporary sites under the bill. It would authorize the local agency to establish and enforce reasonable health and safety standards consistent with the purposes of existing law, and to establish reasonable fees to recover reasonable local costs.

Under existing law, trial courts are open for the transaction of judicial business on special or limited holidays which are not generally observed throughout the state by all classes of businesses and all classes of persons.

This bill would, contingent upon the enactment of SB 1432, provide that, notwithstanding any other provision of law, no superior, municipal, or justice court shall be open for the transaction of judicial business on September 10, 1984, but shall be open on August 6, 1984, in any county in which September 10, 1984, is a holiday for county court employees.

The bill would take effect immediately as an urgency statute.

Ch. 417 (SB 1765) Presley. Controlled substances cannabis.

Existing law provides for a state-administered research pilot program into the therapeutic uses of cannabis and its derivatives, including therapeutic uses for patients suffering from cancer and glaucoma. The pilot program is scheduled to be terminated without further action of the Legislature 4 years from the date cannabis or its derivatives are first made available to patients under the program or December 31, 1984, whichever first occurs. The provisions authorizing the pilot program are scheduled to be repealed on June 30, 1985, unless the repeal date is extended by a bill chaptered before that date. Existing law also requires the Research Advisory Panel to submit a final report to the

Legislature on or before January 30, 1985, on the pilot program. Existing law requires the Research Advisory Panel to include glaucoma patients in clinical trials if deemed appropriate.

This bill would extend the termination date of the pilot program to December 31, 1988, and the repeal date of the provisions authorizing the pilot program to June 30, 1989. The bill would require the final report of the Research Advisory Panel to be submitted on January 30, 1989, and would require the panel to endeavor to include glaucoma patients in clinical trials. This bill would also specify new duties for the Research Advisory Panel during the authorized extension of the program and would require a report to the Legislature by the Legislative Analyst, as specified.

This bill would take effect immediately as an urgency statute.

Ch. 418 (SB 1992) Robbins. Schools: desegregation programs.

(1) Existing law authorizes any school district which maintains a voluntary program designed to remedy the harmful effects of racial segregation to submit a claim for the costs of the program to the State Board of Control for review. Existing law authorizes the State Board of Control to approve claims for reimbursement, as prescribed, and to include the claims in a subsequent claims bill.

This bill would authorize the governing board of any school district maintaining a program designed to remedy the harmful effects of racial segregation which originated under a court mandate to submit a claim, in accordance with procedures established by the State Board of Control, for reimbursement for the cost of these programs not otherwise reimbursed due to insufficient funds to the Controller. This bill would require the Controller to review these claims and to approve reimbursement for the full costs of these programs not otherwise reimbursed. This bill would specify that claims for reimbursement shall be approved only for school districts which are eligible to receive reimbursement for programs to remedy the harmful effects of racial segregation under a specified provision of current law providing for the reimbursement of various costs mandated by the courts, the federal government, or initiative measures.

(2) This bill would appropriate the sum of up to \$7,000,000 from the General Fund for transfer to the Controller for reimbursement of claims in the 1984-85 fiscal year to school districts for the costs of certain programs, other than court-mandated programs, designed to remedy the harmful effects of racial segregation.

This bill would appropriate the sum of up to \$30,000,000 from the General Fund for transfer to the Controller for reimbursement in the 1984-85 fiscal year to school districts maintaining a court-mandated program designed to remedy the harmful effects of racial segregation under specified provisions of law.

Ch. 419 (AB 2515) Bates. Juvenile court law.

Existing law provides that if a minor who has been adjudged a dependent child of the juvenile court cannot be returned home, the court must conduct a permanency planning hearing to make a determination regarding his or her future status no later than 12 months after the original out-of-home placement and periodically, but no less frequently than once each 18 months, thereafter during the continuation of foster care. If the court determines that the minor cannot be returned to the physical custody of his or her parent or guardian and that there is not a substantial probability that the minor will be returned within 6 months, the court must develop a permanent plan for the minor. If the court finds that the minor is not adoptable or that certain conditions apply, but that one or more adults are available and eligible to become legal guardians for the minor, the court is required to initiate or facilitate guardianship proceedings, unless the minor's foster parents are unable to become legal guardians of the minor because of exceptional circumstances which do not include an unwillingness to accept legal responsibility for the minor, but are willing and capable of providing the minor with a stable and permanent environment, and the removal of the minor from the physical custody of his or her foster parents would be seriously detrimental to the emotional well-being of the minor. If the court finds that the minor is not adoptable and that there is not a suitable adult available to become the legal guardian of the child, the court is required to order the county welfare department or probation department to facilitate the placement of the minor in a home environment that can reasonably be expected to be stable and permanent, as specified.

This bill would revise the procedure upon a finding that such a minor is not adoptable, or that one of the specified conditions exists, to require the court to order the facilitation of the placement of the minor in a home environment that reasonably can be expected to be stable and permanent by means of initiating legal guardianship proceedings or long-term foster care. It would require the court to consider legal guardianship before long-term foster care, if it is in the best interests of the child and if a suitable guardian can be found, and, when the minor is in a foster home, it would prohibit the removal of a minor from the foster home, under specified circumstances.

It also would incorporate additional changes to Section 366.25 of the Welfare and Institutions Code, contingent upon the enactment and prior chaptering of AB 2880.

Ch. 420 (AB 2421) Jones. Fair employment and housing: civil actions

Existing law provides that if the Department of Fair Employment and Housing determines that an accusation will not be issued on a complaint of unlawful employment practices or discrimination in housing, the person claiming to be aggrieved may bring a civil action in the superior court.

This bill would require that a copy of any complaint filed in the civil action be served on the principal offices of the department and of the commission.

This bill would incorporate additional changes to Sections 12965 and 12980 of the Government Code proposed by AB 2420, to be operative only if both bills are chaptered and become effective on January 1, 1985, and this bill is chaptered last

Ch. 421 (AB 62) Papan. Horseracing: fairs.

Under existing law, until January 1, 1988, in addition to the amounts required or allowed to be deducted from the parimutuel pools, every racing association other than the California Exposition and State Fair or a county or district agricultural association fair that conducts a racing meeting may choose permanently to deduct an additional amount up to 0.33 of 1% from the total parimutuel wages placed within its inclosure for specified purposes relating to local government.

This bill would allow the California Exposition and State Fair or county or district agricultural association fairs to choose to make this deduction if the city or county in which the fair meeting was being conducted levied a license fee or excise tax, as specified, or imposed an admission tax prior to January 1, 1984.

The bill would take effect immediately as an urgency statute.

Ch. 422 (AB 870) McAlister. Community recreation.

Existing law establishes community recreation programs, defines various terms, and provides procedures for the operation of these programs.

This bill would impose a state-mandated local program by providing that any individual who willfully, and without just cause, interferes with or disrupts the recreational activities of individuals, groups, or entities granted the use of a recreation center by a governing body is guilty of an infraction, and shall be punished by a fine of not more than \$200.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 423 (AB 1427) Bronzan. State land: transferral.

Existing law authorizes and directs the Director of General Services to quitclaim to the City of Fresno certain land adjacent to Fresno Air Terminal upon condition that title to the land remains in a public agency. It exempts that portion of property quitclaimed to the City of Fresno and transferred to the City of Clovis from the condition that it be used for a public purpose, and provides that, as a condition to the removal of the public purpose restriction, the City of Fresno and the City of Clovis shall transfer to the state all mineral rights in the property.

This bill would authorize and direct the director to quitclaim a specific acreage of land

to the City of Fresno upon condition that the City of Fresno pay to the state 7% of gross sale proceeds if the city sells all or any part of the land, as specified

Under existing law, the state retains the right to all mineral deposits, as defined, together with the right to prospect for, mine, and remove these deposits, and to occupy and use so much of the surface as may be necessary therefor. Existing law also gives the State Lands Commission sole responsibility for the administration, management, and disposal of mineral grants, as specified.

This bill would require the director to convey all interest, except mineral interests below a depth of 500 feet, and would also limit the right to prospect for, mine, and remove these deposits to areas which the director, after consultation with the State Lands Commission, determines to be reasonably necessary for the removal of these deposits

This bill would also delete those provisions relating to the responsibility and jurisdiction of the State Lands Commission.

Ch. 424 (AB 1904) Seastrand. Peace officers.

Existing law contains specified requisites for the hiring of persons as peace officers by state agencies.

This bill would require the Department of Corrections and the Department of the Youth Authority to complete a background investigation, as specified, of any applicant for employment as a peace officer before the applicant may be employed or begin training as a peace officer

Existing law authorizes transfer of inmates under the age of 21 years from the Department of Corrections to the Youth Authority, as specified

This bill would authorize the designation of a place of reception under the jurisdiction of the Director of the Youth Authority for those persons.

The bill would take effect immediately as an urgency statute. The provisions relative to background investigations would become operative January 1, 1985

Ch 425 (AB 2338) Jones. Agriculture

(1) Under existing law, an agricultural marketing order may contain provisions for carrying on research studies, as specified. One type of study, a production research study, may only be established pursuant to specified criteria regarding the maximum time of the study, findings of necessity by the Director of Food and Agriculture, and consent to the study by persons regulated under the marketing order.

This bill would delete the provisions which limit an advisory board in conducting production research studies. The bill would also authorize marketing order advisory boards to establish trust accounts to fund research programs that last beyond the termination date of the marketing order and to carry out research programs for the purpose of developing and testing new products in selected markets.

The bill would also require the director to conduct a hearing prior to approving a research program that would extend beyond the next statutorily required reapproval of the marketing order in order to evaluate the level of support for the proposed program by persons affected.

(2) Under the California Marketing Act of 1937, the director is required to prescribe rules and regulations governing the assessment and collection of funds raised to support marketing orders

This bill would authorize, rather than require, the director to adopt those rules and regulations.

(3) Existing law authorizes the director to take specified actions, in conjunction with county agricultural commissioners, to eradicate or control agricultural pest infestations.

This bill would appropriate \$2,732,000 to the Department of Food and Agriculture for local assistance, traps, and related supplies to increase exotic fruit fly detection; to establish a sterile fruit fly production facility, and to fund the department's own exotic fruit fly trapping activities.

(4) The bill would take effect immediately as an urgency statute

Ch. 426 (AB 2357) Sher. County jails

The County Jail Capital Expenditure Bond Act of 1984, subject to voter approval at the June 5, 1984 primary election, authorized the sale of general obligation bonds in the

aggregate amount of \$250,000,000, the proceeds of which would be deposited in the County Jail Capital Expenditure Fund for allocation by the Board of Corrections for the construction, reconstruction, remodeling, and replacement of county jail facilities, and for the performance of deferred maintenance on those facilities, pursuant to criteria adopted by the Legislature.

This bill would specify that money in the fund shall be allocated to those applications for large project funding which were filed and approved by the board, as specified. The bill would provide that it would not become operative unless and until AB 3805 is chaptered.

This bill would take effect immediately as an urgency statute.

Ch. 427 (AB 2509) Farr. Courts: automating information

Existing law authorizes a county to establish a Courthouse Temporary Construction Fund for a County Criminal Justice Facility Temporary Construction Fund, or both. In Los Angeles County, moneys in the Courthouse Temporary Construction Fund may only be used for courthouse construction. In the City and County of San Francisco, moneys in a Courthouse Temporary Construction Fund may be used for the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system. In counties other than Los Angeles or San Francisco, moneys in a Courthouse Temporary Construction Fund may be used for the acquisition, rehabilitation, construction, and financing of courtrooms or a courtroom building or buildings containing facilities necessary to the operation of the courts. In all counties, moneys in a County Criminal Justice Facility Temporary Construction Fund may be used only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems.

This bill would amend the provisions relating to Courthouse Temporary Construction Funds in counties other than Los Angeles or San Francisco to authorize the use of moneys in such a fund in Monterey County for the improvement of criminal justice automated information systems, as specified.

Ch. 428 (AB 2534) Hughes. School employees: administrative services credentials.

(1) Existing law establishes the minimum requirements individuals must satisfy before obtaining a preliminary services credential with a specialization in administrative services, including, among other things, a minimum of 3 years of successful, full-time classroom teaching experience in the public schools.

This bill would specify that the requirement of a minimum of 3 years of successful, full-time classroom teaching experience in the public schools includes service in state- or county-operated schools.

(2) Existing law establishes the minimum requirements individuals must satisfy before obtaining a professional services credential with a specialization in administrative services, including, among other things, a minimum of 2 years of successful full-time experience in a position requiring the preliminary administrative services credential, as attested by the employing school district or agency.

This bill would specify that the State Department of Education, in the case of state school administrators, and county offices of education, in the case of county school administrators, may attest to the experience.

This bill would incorporate changes in Section 44270 of the Education Code, proposed by AB 2532, to become operative January 1, 1985, but only if AB 2532 and this bill are both chaptered and become effective, and this bill is chaptered last.

Ch. 429 (AB 2542) Peace. Water conservation: Imperial Valley.

Existing law provides that no forfeiture of an appropriative right shall occur where the appropriator fails to use the water because of water conservation efforts, as specified.

This bill would provide that, where any person, public agency, or agency of the United States undertakes any water conservation effort, either separately or jointly with others entitled to delivery of water from the Colorado River under contracts with the United States, which results in reduced use of Colorado River water within the Imperial Irriga-

tion District, no forfeiture, diminution or impairment to the right to use the water conserved shall occur, except as set forth in the agreement between the parties and the United States.

The bill would make legislative findings and declarations in this connection.

Ch. 430 (AB 2559) Costa. Schools' average daily attendance.

(1) Under existing law, if the average daily attendance of any school district during any fiscal year has been materially decreased because of specified emergencies, the Superintendent of Public Instruction is required to estimate the average daily attendance of the district for purposes of apportionments in a manner which credits to the district approximately the total average daily attendance which would have been credited had the emergency not occurred.

This bill would apply these provisions to county offices of education and regional occupational centers and programs. This bill would also include an earthquake as one of the specified emergencies to which these provisions apply.

(2) This bill would authorize the governing board of any school district maintaining year-round schools within 4 miles of any 1984 Olympic Games competition site to, by resolution, close not more than 50 of those schools for not more than 4 days during the period from July 28, 1984, to August 14, 1984, inclusive, and would specify that the school district shall not lose average daily attendance for the purpose of apportionments, and shall not lose certain apportionments for increasing instructional time as a result of closing those schools. This authorization would impose state-mandated costs as its exercise would be subject to negotiation under existing law relating to public school employer-employee relations.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(4) This bill would take effect immediately as an urgency statute.

Ch. 431 (AB 2603) Allen. Fish and Game Commission. compensation.

(1) Under existing law, each member of the Fish and Game Commission receives \$50 for each day of actual service performed in carrying out his or her official duties, payable from the Fish and Game Preservation Fund, but a commissioner may not receive in excess of \$250 per month from this compensation.

This bill would increase the compensation to members of the commission to \$100 for each day, not to exceed \$500 per month.

(2) Under existing law, until July 1, 1984, the Fish and Game Preservation Fund is continuously appropriated, among other purposes, to the Fish and Game Commission for expenditure for the payment of the compensation and expenses of the commissioners and employees of the commission.

This bill would appropriate \$7,500 from that fund to the Department of Fish and Game to pay the compensation and expenses of the members of the commission, as specified.

Ch. 432 (AB 2650) McAlister. Child support

Under existing law, upon a petition signed under penalty of perjury stating that a parent ordered to pay child support is in arrears in those payments, as specified, the court is required to assign that portion of the salary or wages of the parent due or to be due in the future as will be sufficient to pay the amount ordered by the court for the support, maintenance, and education of the minor child. Upon petition by the parent ordered to pay support, the court is required to terminate the order of assignment upon proof of full payment for certain specified periods.

This bill would provide that if an assignment was made pursuant to a second petition for assignment filed within 24 months, the assignment must continue for 24 months, rather than 12 months, in order for the assignment to be terminated. If the assignment was made pursuant to a third or subsequent such petition filed within 48 months, rather than the current requirement that assignment continue for 18 months, the bill would

provide that the assignment shall not be terminated unless upon petition by the parent ordered to pay support and a designated determination by the court.

Ch. 433 (AB 2656) McAlister. Insurance: California Insurance Guarantee Corporation.

Existing law requires the California Insurance Guarantee Corporation to pay and discharge "covered claims" and in connection therewith pay for or furnish loss adjustment services and defenses of claimants where required by policy provisions. The term "covered claims" does not include any judgments against or obligations or liabilities of an insolvent insurer or the Insurance Commissioner resulting from torts, and a default judgment against an insolvent insurer is declared to be nonbinding against the association.

This bill would additionally provide that any stipulated judgment shall not be binding against the association

Ch. 434 (AB 2707) Vicencia. Public social services.

Under existing law, the counties administer a variety of programs related to child welfare.

This bill would provide that the board of supervisors of a county having a population in excess of 6,000,000 persons may establish by ordinance a department or agency into which any or all of the duties of the county departments regarding protective services to juveniles may be placed.

The bill would provide that the Health and Welfare Agency shall seek all waivers from the federal government necessary to allow the establishment of this department or agency, on behalf of a county electing to establish this entity, but that the department or agency shall not be established unless and until all necessary waivers have been obtained

The bill would further provide that, except insofar as the cost of seeking waivers is concerned, its provisions would not require additional expenditures of state funds

This bill would also take effect immediately as an urgency statute

Ch 435 (AB 3003) Rogers. Elderly persons: food distribution.

Existing law provides for the Brown Bag Network Act, in order to provide funding for local programs distributing food to low-income elderly persons

Under existing law, the term "low-income elderly person living on a limited income" is defined as a person 60 years of age, or older, with an income of no higher than \$5,500 for an individual, or \$8,000 for a couple.

This bill would instead provide that this term shall be defined as a person 60 years of age, or older, with an income no higher than that of the annual state and federal basic benefit level for a blind applicant or recipient provided for under the State Supplementary Program

Ch 436 (AB 3171) Seastrand. State government

The California Constitution provides for a civil service system in state government which, with limited exceptions, includes every officer and employee of the state.

In addition, existing law authorizes the director of any state department, who is made a member of a state board, commission, or committee, or of the governing body of any state agency or authority, to designate a deputy director, who was selected by the director to serve in an exempt from civil service position, to act as such member in his or her place and stead.

This bill would amend the existing law to authorize the director of any state department to so designate the above deputy director or a deputy director who is also a state officer directly appointed by the Governor and who serves in an exempt civil service position

Ch. 437 (AB 3231) Wright. Subpoenas: consumer records

Under existing law, a person who subpoenas personal records of a consumer must generally give constructive notice to the consumer of the subpoena. A consumer whose personal records are sought may make a motion to quash or modify the subpoena

Existing law defines personal records as certain books, documents, or writings pertaining to a consumer which are maintained by any witness which is a security brokerage

firm, underwritten title company, institution of the farm credit system or a telephone corporation which is a public utility, as specified.

This bill would provide that those provisions, applicable to subpoenas of personal records of a consumer, are also applicable to a subpoena duces tecum for records exempt from public disclosure under the Public Records Act and maintained by a state or local agency, as defined.

Ch. 438 (AB 3260) W. Brown. Crimes.

Existing law makes homicide excusable when committed by accident and misfortune, in lawfully correcting a child or servant, or in doing any other lawful act by lawful means, as prescribed.

This bill would delete homicide which occurs when lawfully correcting a child or servant from the cases of excusable homicide.

Existing law makes it a misdemeanor for any person to exhibit the deformities of another, or his own deformities, for hire, or for any person who, by artificial means, gives to any person the appearance of a deformity and exhibits that person for hire. Existing law prohibits seduction of a previously chaste female under promise to marry. Existing law prohibits persons other than those carrying on a regular business from erecting or keeping a booth, tent, stall, or other contrivance for selling intoxicating liquors within one mile of a camp or field meeting for religious worship. Existing law prohibits discharging mucus from the nose or mouth or spitting on a sidewalk or other specified place. Existing law prohibits delivery of unsolicited razor blades to any residence. Existing law prohibits the purchase or the receipt in pledge from any person under the age of 16 years of junk, metal, mechanical tools, or implements. Existing law prohibits, on any street or highway, or other public place open to view by the general public, the wearing of a mask or other regalia or paraphernalia with the intent of concealing an identity.

This bill would repeal those provisions.

Ch. 439 (AB 3320) Bates. Family law.

Under existing law, in a proceeding under the Uniform Parentage Act, the court may issue various ex parte orders, of limited duration, including orders for the temporary exclusion of a party from the dwelling of the party having the care, custody, and control of the child, upon the showing that the other party has assaulted or threatened to assault the other party or the minor child and that physical or emotional harm would otherwise result to the other party or the minor child. Such an ex parte order may also be made under the Domestic Violence Prevention Act upon a showing that the party to be excluded has assaulted or threatened to assault the other party, or any other person under the care, custody, and control of the other party or any minor child of the parties or of the other party, and that physical or emotional harm would otherwise result to the other party or any person under the care, custody, and control of the other party, or any minor child of the parties or of the other party, as specified. Such an order may also be made upon notice and hearing, not to exceed one year in duration, except as specified.

This bill would authorize a court to issue *ex parte** orders [, after notice and hearing,]* in a proceeding under the Uniform Parentage Act excluding one party from the common dwelling of both parties or from the dwelling of the party who has care, custody, and control of the minor child upon a showing only that physical or emotional harm would otherwise result to the party or the minor child. The bill would provide similar authorization for an order for exclusion in a proceeding under the Domestic Violence Prevention Act.

This bill would also authorize the court to issue an *[ex parte]** order [, as well as an order upon notice and hearing,]* determining the temporary custody of any minor child that is the subject of a proceeding under the Uniform Parentage Act and the right of a party to visit such a child, as specified.

Ch. 440 (AB 3772) Chacon. Environmental quality: environmental impact reports and standing to bring an action.

(1) Under the California Environmental Quality Act, lead public agencies, state and local, are generally required to prepare or cause to be prepared by contract, and certify the completion of, an environmental impact report on any discretionary project, as

defined, that they propose to carry out or approve which may result in a substantial, or potentially substantial, adverse effect on the environment or, if they determine that a proposed project will not have that effect, to adopt a negative declaration.

Under the act, if a parcel has been zoned, or has been designated in a community plan, as defined, to accommodate a particular density of residential development and an environmental impact report was certified for that zoning or planning, the application of the act to any subdivision map or other project that is consistent with the zoning or community plan is limited to effects upon the environment which are peculiar to the parcel or project and which were not addressed as significant effects in the prior environmental impact report. The act also provides that no person has standing to bring an action to attack, review, set aside, void, or annul a finding of a public agency made at a public hearing with respect to the conformity of a development project subject to these provisions to mitigation measures identified in the prior zoning or planning action environmental impact report, unless the person participated in that hearing by submitting written or oral testimony prior to the close of the hearing. These provisions would not be applicable if the local agency failed to give public notice of the hearing.

This bill would extend those provisions to a residential development project which is consistent with the general plan of the local agency, but would provide that nothing in those provisions affects any requirement to analyze potentially significant offsite impacts and cumulative impacts of the project not discussed in the prior environmental impact report with respect to the general plan. The bill would also require all public agencies with authority to mitigate the significant effects of the project to undertake or require the undertaking of any feasible mitigation measure specified in the prior environmental impact report relevant to a significant effect which the project will have on the environment, thereby imposing a state-mandated local program.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 441 (AB 3812) Stirling. State safety members of PERS Director of Corrections. option.

The Public Employees' Retirement Law requires the Director of the Department of Corrections to be a state safety member of the Public Employees' Retirement System.

This bill would authorize, upon appointment to that office, the appointee to elect to be either an industrial member or a state safety member of the system.

This bill would take effect immediately as an urgency statute

Ch. 442 (AB 3830) Filante. Medical information.

Under existing law, a health care provider is prohibited from disclosing unauthorized medical information regarding a patient of the provider, except for specified reasons and to specified persons, including professional organizations, insurers, or medical staffs for the purpose of reviewing health care services with respect to medical necessity, level of care, quality of care, or justification of charges

This bill would make health care service plans eligible to receive the medical information for the above purposes.

Ch 443 (SB 544) Davis. Law enforcement: horses.

Existing law generally regulates cruelty to animals, but does not expressly regulate harmful conduct directed toward animals used by peace officers.

This bill would provide specified felony and misdemeanor punishments for various conduct relative to the harming of, or interfering with, or obstructing, a horse used by a peace officer discharging or attempting to discharge his or her duties, or resulting in great bodily injury to any person

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Fi-

nance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by creating a new crime.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill would take effect immediately as an urgency statute.

Ch 444 (AB 3805) Robinson. Correctional facilities.

The County Jail Capital Expenditure Bond Act of 1981 authorized the sale of general obligation bonds in the aggregate amount of \$280,000,000, the proceeds of which would be deposited in the County Jail Expenditure Fund for allocation by the Board of Corrections for the construction, reconstruction, remodeling, and replacement of county jail facilities in accordance with criteria set forth in that act.

The County Jail Capital Expenditure Bond Act of 1984, authorized the sale of general obligation bonds in the aggregate amount of \$250,000,000, the proceeds of which would be deposited in the County Jail Expenditure Fund for allocation by the Board of Corrections for the construction, reconstruction, remodeling, and replacement of county jail facilities pursuant to criteria adopted by the Legislature

This bill would appropriate the proceeds from the sale of bonds under the 1984 act, and would direct the Board of Corrections to allocate those funds from the 1981 act that were appropriated in the Budget Act of 1984, in accordance with specified criteria, including criteria as to matching funds and maximum allocations to counties. The bill would require the Board of Corrections to establish a procedure for counties that assert that certain restrictions or postponement of projects will result in undue hardship or operational difficulties. It would provide that interest earned on money in those bond funds would be deposited in the funds and appropriated for the purposes of this act.

The bill would exempt the Department of Corrections from requirements of the California Environmental Quality Act with respect to activities under the bill.

The bill would become operative only if AB 2357 is chaptered, as specified.

This bill would take effect immediately as an urgency statute

Ch 445 (AB 2536) Felando Sales and use tax exemptions

Existing provisions of the Sales and Use Tax Law exempt from sales and use taxes the sale or use of watercraft used in interstate or foreign commerce for commercial deep sea fishing operations by persons who are regularly engaged in commercial deep sea fishing.

This bill would, in addition, exempt from sales and use taxes until January 1, 1987, the sale or use of diesel fuel used in operating watercraft in commercial deep sea fishing operations or commercial passenger fishing boat operations by persons who are regularly engaged in these operations outside the territorial waters of this state

Counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes. Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes.

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would provide that no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

This bill would make specific legislative findings and would declare legislative intent relating to the provisions of the bill

This bill would take effect immediately as a tax levy, but its operative date would depend on its effective date.

Ch 446 (SB 2117) Alquist. Santa Clara County Traffic Authority

(1) Under existing law, there is no public entity designated as a county traffic authority

This bill would enact the Santa Clara County Commuter Relief Act to authorize the creation of the Santa Clara County Traffic Authority, with a specified membership. Upon approval of a specified proposition by a majority vote of Santa Clara County voters, the authority would be authorized to impose a 1/2% transactions and use tax for up to

10 years to finance highway improvements in Santa Clara County, with priority given to specified highways. The authority would terminate 12 years after the tax is first imposed and the act would be repealed at that time.

The bill would impose a state-mandated local program by requiring the county board of supervisors to review and assess highway transportation needs and to prepare the initial expenditure plan for the expected tax revenues.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(3) The bill would take effect immediately as an urgency statute.

Ch. 447 (SB 794) Committee on Local Government Public Finance.

(1) This bill would make legislative findings and declarations concerning local agencies and their inability to meet their obligations to the landowners and servants they serve. In addition, the bill would establish the Long-Term Local Financing Act of 1984.

(2) Existing law provides for state subventions to counties, cities, special districts, and school entities for the revenue lost by them as a result of the exemption of certain kinds of personal property from property taxation.

This bill would eliminate these subventions as of July 1, 1984, and make related technical changes.

This bill would instead provide for special supplemental subventions, computed as specified, for certain cities, multicounty special districts, redevelopment agencies, and nonenterprise special districts other than multicounty special districts which would lose substantial revenue due to the repeal of existing personal property tax subventions. This bill would appropriate \$10,000,000 from the General Fund to the Controller for purposes of the special supplementary subventions for nonenterprise special districts.

(3) Existing law requires a county, commencing with the 1983-84 assessment year, to prepare supplemental assessment rolls and collect supplemental taxes on real property, which has been purchased, or which changes ownership, or on which new construction is completed, after the usual March 1 lien date. Existing law further requires that for the 1983-84 and the 1984-85 fiscal years all revenue generated from increased assessments on the supplemental rolls be allocated to school districts within each county by the county auditor. For the 1985-86 fiscal year and each year thereafter, the revenues generated from the supplemental assessment roll are to be allocated by the county auditor to local jurisdictions in the same manner as other property tax revenues.

This bill would eliminate the requirement that all these revenues be allocated to school districts in the 1984-85 fiscal year and would impose state-mandated local costs by providing instead that the county auditor, for the 1984-85 fiscal year and each fiscal year thereafter, make various other allocations of these revenues, pursuant to specified statutory provisions.

(4) Under existing law, provision has been made for allocating property tax revenues to various entities of local government according to specified criteria.

This bill would impose state-mandated costs by requiring the county auditor to make an allocation to cities in Orange County which existed but did not levy a property tax in the 1977-78 fiscal year and to make corresponding reductions to other local agencies in that county. It also would make specified findings and declarations regarding the unique facts involved with respect to the qualifying city.

(5) Existing law requires the distribution to cities and counties, pursuant to prescribed formulas, of specified amounts of money contained in the Motor Vehicle License Fee Account in the Transportation Tax Fund.

This bill would preclude any additional allocation of those moneys to cities in Orange County described in paragraph (4) above in the event an additional allocation is otherwise made to cities which did not levy a property tax in the 1977-78 fiscal year.

(6) This bill would appropriate \$182,000,000 from the General Fund to Section A of the State School Fund for apportionment during the 1984-85 fiscal year.

(7) Article XIII B of the California Constitution and Sections 2231 and 2234 of the

Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(8) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(9) This bill would take effect immediately as an urgency statute, however, its provisions would become operative no sooner than July 1, 1984, but would not become operative unless and until AB 1849 of the 1983-84 Regular Session is chaptered. In addition, the bill would become operative only if sufficient funds, as specified, are appropriated to Section A of the State School Fund for apportionment during the 1984-85 fiscal year

Ch. 448 (AB 1849) Committee on Local Government. Public finance.

(1) Existing law (the so-called "deflator") provides for the reduction of certain amounts of state financial assistance to certain local agencies in certain circumstances.

This bill would repeal this provision and make related technical changes.

(2) Existing law requires that the amount of property tax revenues apportioned by a county auditor to a special district be reduced by an amount computed according to a specified formula

For the 1984-85 fiscal year and each fiscal year thereafter, this bill would prohibit the amount computed pursuant to this provision from exceeding the amount computed for the 1983-84 fiscal year except as to certain special districts.

(3) Existing law requires the distribution to cities and counties, pursuant to prescribed formulas, of specified amounts of money contained in the Motor Vehicle License Fee Account in the Transportation Tax Fund.

This bill would modify the formulas providing for the distribution of those moneys to counties and cities as of July 1, 1984, and would appropriate an additional amount to counties and cities which is presently transferred to the unappropriated surplus of the General Fund. The bill would also make related technical changes.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(5) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(6) This bill would take effect immediately as an urgency statute. However, its provisions would become operative no sooner than July 1, 1984, and would not become operative unless and until SB 794 of the 1983-84 Regular Session is chaptered.

Ch. 449 (SB 2021) Campbell. Economic and business development.

Existing law provides for the Department of Economic and Business Development within the Business, Transportation, and Housing Agency of state government. Within the department are the Office of Economic Planning, Policy, and Research Development, the Office of Local Economic Development, the Office of Business and Industrial Development, and the Office of Tourism.

This bill would change the name of the department to the Department of Commerce and change the names of the offices within the department, as specified.

In addition, the bill would make other technical, nonsubstantive changes

This bill would take effect immediately as an urgency statute.

Ch. 450 (AB 1220) Floyd. State officers and employees.

Existing law authorizes the Department of Personnel Administration, subject to other applicable provisions of state law, to enter into contracts for benefits for state managerial and confidential employees, nonelected officers and employees of the executive branch of government who are not members of the state civil service system, and other specified state employees who are not covered by the state collective bargaining process.

This bill would authorize the department to procure these employee benefits for officers and employees, rather than nonelected officers and employees, of the executive branch of government who are not members of the state civil service system and for supervisory employees, as defined.

Ch. 451 (AB 2270) McAlister. Probate law and procedure.

Under existing probate law, a court may require a bond for the personal representative of a decedent's estate, either on the petition of a person interested in the estate or on its own motion, notwithstanding that the will waives the bond or that all the heirs or all the beneficiaries waive the bond.

This bill would authorize a court to waive the bond upon petition of all beneficiaries or all heirs, unless the court determines, upon its own motion or upon petition of any person interested in the estate, that there is good cause to require bond, as specified.

The existing Independent Administration of Estates Act permits courts to authorize the personal representative to administer a decedent's estate with a minimum of supervision, but not for sales or exchanges of real property or grants of options to purchase real property.

This bill would authorize courts to grant independent administration to sales and exchanges of real property and to grants of options to purchase real property.

Under existing law, pertaining to independent administration, the personal representative is required to give an advice of proposed action to affected persons; and, upon request of an affected person within 15 days after delivery or mailing the notice, the court must grant without a hearing an order restraining the executor or administrator from taking the proposed action without court supervision.

This bill would authorize the recipient of an advice of proposed action to deliver or mail a written objection to the personal representative who would thereupon be required to submit the proposed action to the court for approval, as specified. This bill would extend to 20 days the minimum period between the giving of the advice of proposed action and the taking of the action by the recipient of the advice of proposed action, if the advice is mailed. This bill also requires that the advice of proposed action include the person and telephone number to call to get additional information and the material terms of the transaction. These changes in existing law would not apply where independent administration authority is granted prior to January 1, 1985, unless the personal representative files a petition to have the amended provisions apply and the petition is granted.

Under existing law, when a married person dies the community and quasi-community property which passes to the surviving spouse is not subject to probate administration unless the surviving spouse elects to have it administered. If all of the estate property is community or quasi-community property which passes to the surviving spouse under the decedent's will or by intestate succession, there need be no administration at all. If some of the estate is the decedent's separate property, only that property must be administered. The surviving spouse may obtain a court order confirming that all or part of the deceased spouse's share of the community or quasi-community property belongs by will or intestate succession to the surviving spouse. The order may be obtained without the need for probate administration.

This bill would extend this procedure to cover separate property passing to the surviving spouse by will or intestate succession.

Existing law requires the executor or administrator to file an inventory and appraisement of a decedent's estate within 3 months after appointment, or within any further time as the court or judge allows.

This bill would provide that any interested person may file with the court a written objection to the appraisement and would provide for a noticed hearing on the objection.

Under existing law, a person entitled to the property of a decedent may present an affidavit to a third-party holder of the property showing that the person is entitled to the property under the decedent's will or by intestate succession. Payment or delivery of the property in accord with the affidavit discharges the holder from any further

liability with respect to the property. The payment or transfer does not preclude the administration of the estate when necessary to enforce payment of the decedent's debts. The person who received the property may then be required to turn it over to the estate's personal representative. This procedure may be used only if the decedent leaves no interest in California real property, excluding property passing to the surviving spouse, and the value of the estate, excluding certain property, does not exceed \$30,000.

This bill would increase the maximum estate value, for purposes of using the affidavit procedure to collect assets, to \$60,000; would specify that the procedure does not apply to real property or an interest in real property; would permit use of the affidavit procedure where the gross value of the real property in the estate does not exceed \$10,000; would expand the category of persons authorized to use the affidavit procedure to include a grandparent of the decedent who is entitled to the property by will or intestate succession, and would provide a priority for payment of public administrators' costs and fees for their services when the affidavit procedures are utilized, as specified. These provisions would apply only to cases where the decedent died after December 31, 1984.

Under existing law, an administrator or executor is required by law to render a final account and may be required by the court at other times to render an account.

This bill would provide that the executor or administrator is not required to render an account when all persons entitled to distribution of the estate have waived the account.

Existing law authorizes the court to order that a guardian or conservator is exempt from the requirements of presenting an account of a guardian or conservatee for settlement and allowance if the estate, during a specified period, consists of property of a total net value of less than \$2,000, the income of the estate for each month of the accounting period is less than \$150, and all income of the estate during the accounting period, if not retained, is spent for the benefit of the ward or conservatee.

This bill, for purposes of that exemption, would increase the value of the estate to \$5,000, exclusive of the residence of the ward or conservatee, and would increase the monthly income to \$300.

This bill would incorporate additional changes in Section 1200.5 of the Probate Code, proposed by AB 3085, contingent upon the prior chaptering of AB 3085.

Ch. 452 (AB 2985) McAlister. Financial institutions.

Under existing law, the Corporations Commissioner has authority to deny an application for a certificate to act as a credit union, or disapprove an application for a merger or an expansion of the field of membership of an existing credit union for certain specified reasons, including encroachment into the field of membership of an existing credit union, or that there are fewer than 200 persons eligible for membership.

This bill would delete the first of the reasons specified above, pursuant to which an application may be denied or disapproved, and would revise the second reason to authorize denial or disapproval when there are fewer than 500 persons eligible for membership. It also would delete the authority of the commissioner to disapprove an application for a merger.

Existing law also provides that one reason pursuant to which the Corporations Commissioner may deny an application to act as a credit union or for an expansion of the field of membership of an existing credit union is that the field of membership of the applicant is contrary to the principles of organizing credit unions which are based on common bond of occupation, association, or groups within a well-defined neighborhood, community, or rural district.

This bill would expand this reason to include any principles of organizing credit unions, including, but not limited to, those referred to above.

Existing law prohibits credit unions from paying compensation for securing members.

This bill, in addition, would provide that such provision shall not limit any credit union from using growth in the number of memberships or in the number of or amount of shares as a part of its compensation program. Written approval of the Corporations Commissioner would be required before a program is implemented or changed, as specified.

Existing law provides that the board of directors of a credit union may waive any requirement of notice of intent to withdraw, unless notice is required by law.

This bill, in addition, would authorize the directors to provide that there is no requirement of notice of intent to withdraw or to transfer funds, and would provide that the rights, responsibilities, and liabilities of a person regarding an item withdrawn from, transferred to, or handled by a credit union are to be determined by certain provisions in the Commercial Code, as if the credit union were a bank.

Existing law authorizes a credit union to merge with another credit union or with a central credit union under the charter of the central credit union.

This bill would eliminate the requirement that the merger be under the charter of a central credit union.

Under existing law, to become operative July 1, 1984, designated payments made from certain multiple-party accounts by a financial institution, as defined, discharge the financial institution from all claims for amounts so paid. Existing law provides that after receipt of a written notice from any party that withdrawals in accordance with the terms of the account should not be permitted, the financial institution may refuse to pay any amount on deposit pending a determination of the rights of the parties.

This bill would create an exception to the authority of a financial institution to refuse to pay upon receipt of the notice referred to above pending determination of the rights of the parties, namely, in regard to a checking account, share draft account, or other similar third-party payment instrument.

This bill would also qualify the instructions which could be given as to the prohibition upon withdrawals to specify that such instructions could only specify that withdrawals not be permitted except with the signatures of more than one of the parties during their lifetimes or of more than one of the survivors after the death of any one of the parties and would exempt financial institutions from liability for complying with the terms of any written notice not to pay.

Ch. 453 (AB 2397) Felando. Long-Term Care Ombudsman.

Under existing law, the Office of the State Long-Term Care Ombudsman investigates and seeks to resolve complaints and concerns of patients, residents, or clients of long-term care facilities, as defined.

This bill would include unlicensed residential community care facilities within the definition of long-term care facilities.

Under existing law, there is an 11-member advisory council established by the Department of Aging to provide advice and recommendations to the Office of the State Long-Term Care Ombudsman regarding the provision of ombudsman services. Representatives on the council are responsible for their own expenses incurred in participation on the council.

This bill would provide that representatives on the council shall receive their actual and necessary travel and other expenses incurred in participation on the council.

Existing law contains a definition of "medical training" or "medical records training," for purposes of the State Long-Term Care Ombudsman Program.

This bill would, in addition, include within this definition, training as a physician's assistant or a discharge planner.

Under existing law, the Office of the State Long-Term Care Ombudsman designates approved organizations to operate ombudsman programs to investigate complaints of long-term care facility patients. The coordinator of the ombudsman program is selected by the governing board of the approved organization.

This bill would permit the coordinator to be selected by the governing board or the executive director of the approved organization.

Existing law provides that, upon request by the office, a long-term care facility shall provide to the office the name of the conservator, legal representative, or next-of-kin of any patient or resident of the facility.

This bill would allow the office to also obtain addresses and phone numbers of these persons.

Ch. 454 (AB 2612) Killea. Homestead exemptions

Existing law provides that the homestead of a judgment debtor is exempt from enforcement of a money judgment. The amount of the homestead exemption is \$30,000, unless the debtor or debtor's spouse residing in the homestead is a person 65 years of age or older or a member of a family unit, in which case the amount of the exemption

is \$45,000.

This bill would increase the limit for persons who are over 65 years of age or physically or mentally disabled and unable to work to \$55,000. This bill also would designate the instances when an increase in the amount of a homestead exemption would apply, in the case of a homestead declaration recorded prior to an amendment increasing the amount of the exemption.

Ch. 455 (AB 3080) Leonard Crestline-Lake Arrowhead Water Agency: standby charges

Under existing law, the Crestline-Lake Arrowhead Water Agency is authorized to levy a water standby or availability charge, not to exceed \$5 per acre per year for each acre of land or parcel less than one acre within the agency

This bill would increase the maximum charge to \$10 per acre or parcel less than an acre

Ch 456 (AB 3188) Condit. County jails: inmate welfare fund.

Existing law permits the sheriff of each county to operate a store with the county jail to sell goods for cash to the inmates. The sheriff is required to set the sale prices of the articles. Any profit is deposited in the inmate welfare fund, and may be used for specified purposes, including providing transportation expenses of the inmate in the county, prior to release.

This bill would authorize the expenditure of those funds for additional transportation expenses, as specified.

Ch 457 (AB 3211) Farr Salmon, steelhead, and striped bass gill nets: penalties

(1) Under existing law, the taking with a gill net, or the possessing, selling, or purchasing of salmon, steelhead, or striped bass taken by use of a gill net is prohibited. A violation of these prohibitions is punishable, if the value of the fish involved exceeds \$400, by a fine of \$10,000, imprisonment in the state prison for 16 months, 2 years, or 3 years, or in the county jail for not more than one year, or the revocation of any wholesale fish dealer's license issued pursuant to Section 8040 of the Fish and Game Code, or a combination of those penalties, or, if the value of the fish involved is \$400 or less, by a fine of \$500, or imprisonment in the county jail for not more than 6 months, or both.

This bill would, instead, provide that the punishment for a first violation of any of those prohibitions is a fine of not more than \$5,000, or imprisonment in the county jail for not more than 6 months, or the revocation of any license issued pursuant to Section 8040 of the Fish and Game Code, or a combination of those penalties. The punishment for a second or subsequent conviction of an offense which occurred within 5 years of another offense which resulted in a conviction of a violation of any of those prohibitions would be a fine of not more than \$10,000, imprisonment in the state prison for 16 months, 2 years, or 3 years, or in the county jail for not more than one year, or the revocation of such a license, or a combination of those penalties.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by changing the penalties for a crime.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 458 (AB 3022) Nolan. Building standards

Under existing law, mobilehomes, commercial coaches, and recreational vehicles are excluded from the operation of state building standards.

This bill would bring mobilehome parks, recreational vehicle parks, temporary recreational vehicle parks, and travel trailer parks within the same exclusion, except with respect to permanent buildings in those parks, as specified.

The bill would take effect immediately as an urgency statute.

Ch. 459 (AB 3916) Connelly Structural pest control.

Existing law provides for the licensure and regulation of structural pest control operators.

This bill would do all of the following

(1) Require a structural pest control operator, employee, or field representative to provide the owner, owner's agent, or tenant of the premises for which work is to be done, a clear written notification detailing, among other things, the pest to be controlled, the pesticides to be used and active ingredients, and a caution notice, as specified.

(2) Require an applicant for a license as a structural pest control operator to have knowledge of the health effects and restrictions on applications of pesticides, as specified.

(3) With respect to wood-destroying pests or organisms, require inspection reports to contain information regarding the chemical used for their control, including restrictions on application and health effects

The bill would specify that a violation of the above notification requirements constitutes a misdemeanor, thus imposing a state-mandated local program by creating a new crime.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 460 (AB 3733) Hill. Work Incentive program.

Existing law provides for the Work Incentive (WIN) program which is administered by the Employment Development Department, in cooperation with the United States Secretary of Labor, in order to provide employment and training for recipients of aid under the Aid to Families with Dependent Children program

This bill would, in addition, provide that the WIN program shall be administered in consultation with the State Department of Social Services.

Ch. 461 (AB 3192) Wright Automobile liability insurance

Existing law provides, with certain exceptions, that where 2 or more policies affording valid and collectible liability insurance apply to the same motor vehicle in an occurrence out of which a liability loss arises, it is conclusively presumed that the insurance afforded by the policy in which the motor vehicle is described or rated as an owned automobile is primary and the insurance afforded by any other policy or policies is excess. Certificates of self-insurance and certain specified reports are considered policies of automobile liability insurance for these purposes

This bill would specify that the aforementioned provision is applicable to motor vehicles as well as a single motor vehicle. It would also provide that proof of financial responsibility established by a cash deposit or a bond in effect, as specified, is also to be considered a policy of automobile liability insurance for the purpose of the above provisions

Ch. 462 (AB 3606) La Follette. Motor vehicles

(1) Existing law authorizes turning a vehicle to the left to cross parallel double lines in order to turn into or out of an intersection or a driveway

This bill would specifically authorize crossing parallel double lines to turn into or out of a private road

(2) Existing law requires drivers of vehicles in defiles and canyons, or on mountain highways, to keep to the right-hand edge of the roadway as is reasonably possible

This bill would limit that requirement to driving in the above locations on roadways without center lines

(3) Existing law requires drivers approaching a curve with less than 200 feet of unobstructed view in defiles and canyons, or on mountain highways, to sound the horn, unless the vehicle is entirely to the right of the center of the roadway

This bill would make this requirement applicable only to driving in the above locations on roadways of insufficient width to permit driving entirely on the right of the center of the roadway

(4) Existing law prohibits operation of a vehicle under 4,000 pounds which has been modified so that its clearance above the roadway is less than the distance between the wheel rims and the roadway.

This bill would impose a state-mandated local program by making this prohibition, the violation of which is an infraction, applicable to vehicles under 6,000 pounds

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 463 (AB 2739) Isenberg. Spousal support

Existing case law provides that in a proceeding to dissolve a marriage, a court is authorized to exercise its discretion to delay immediate sale of the family home and award temporary use of the home to the party having custody of minor children. Existing case law limits the court's discretion to modify or terminate such an award upon the remarriage of the custodial spouse or the custodial spouse's cohabitation with a person of the opposite sex.

This bill would provide that except as otherwise agreed by the parties in writing, an award of temporary use of the family home to the custodial spouse may be modified or terminated at any time at the discretion of the court. It also would provide that if the party awarded temporary use of the family home remarries, or there is otherwise a change in circumstances affecting the economic status of the parties or children on which the award is based, a rebuttable presumption is created that further delay in the sale of the family home and division of the proceeds is no longer an equitable method of minimizing the adverse impact of the dissolution or legal separation on the children.

Ch. 464 (AB 3855) McClintock. Parole

Existing law provides for the parole on outpatient status of a person committed to a state hospital or other treatment facility who was found not guilty by reason of insanity at the time of the commission of a criminal offense. Existing law also provides that in a county having no such outpatient treatment program, or where the report of the county mental health director to the court indicates that the county does not wish to assume treatment responsibility, the medical director of the state hospital or other facility may certify an opinion to the court that the person confined in a state hospital or other treatment facility is no longer a danger to the health and safety of others while on parole and that the person will receive benefit from parole. Existing law requires the court to notify the prosecuting attorney, the attorney of record for the person, and the county medical health director or a designee of the certification and make the evaluation and outpatient treatment plan available to them and further require the court to hold a hearing prior to ordering parole to either approve or disapprove the treatment.

This bill would provide that a person so committed to a state hospital or other inpatient facility may be placed on parole supervision if the medical director of the state hospital certifies that the person is no longer a danger to the health and safety of others while on parole and will receive benefit from parole. The bill would require that the certification be accompanied by a parole supervision plan in which the medical director designates an individual or agency who will act as supervisor of the paroled person and in which the medical director sets forth the specific terms and conditions to be followed during parole supervision, as specified. The bill would require the court to only notify the prosecuting attorney and the attorney of record for the person and make the parole supervision plan available to them, as prescribed. If the approval of the court is given the bill would require parole to be granted to the person subject to terms and conditions set forth in the parole supervision plan submitted by the medical director of the state hospital or other treatment facility.

Ch. 465 (AB 2751) Harris. Municipal utility districts. competitive bid contracts

Existing law requires competitive bidding on all purchases of supplies and materials in excess of \$20,000 for municipal utility districts and authorizes the board to reject any

and all bids and either readvertise or, after a specified vote, purchase the supplies and materials in the open market

This bill would permit the board to authorize the general manager of the district to reject all bids and either readvertise or, after the specified vote, purchase the supplies and materials in the open market.

Ch. 466 (AB 2591) Seastrand. Schools schoolbuses emergency evacuations

Under existing law, any officer, agent, or employee of a school district, or any other person, knowingly operating, or permitting or directing the operation of a schoolbus, when it is loaded with schoolchildren in excess of the limits of its seating capacity, is guilty of a misdemeanor.

This bill would specifically extend this liability to offices of county superintendents of schools and joint powers agencies

This bill would authorize the governing board of any school district, office of the county superintendent of schools, or joint powers agency to adopt a district policy establishing plans for the emergency evacuation of pupils which may provide, where necessary, for the loading of schoolchildren on a schoolbus in excess of the limits of its seating capacity.

Ch. 467 (AB 2207) Mountjoy. Pawnbrokers loans

Existing law relating to pawnbrokers regulates the sale and redemption of pledged property. If pledged property is not redeemed during a specified redemption period and the borrower and pawnbroker did not mutually agree in writing to extend the redemption period, the pawnbroker is required to notify the borrower within 30 days after expiration of the redemption period. The pawnbroker is required to notify the borrower either by registered mail, or by certified mail, or by regular mail for which a certificate of mailing is issued by the United States Postal Service addressed to his or her last known address, of the termination of the redemption period and extending the right of redemption for a period of 10 days from the date of mailing of that notice. Existing law also requires a pawnbroker to post a schedule of charges

This bill would additionally require, beginning January 1, 1986, the posted schedule of charges to contain a notice informing the borrower that if he or she desires the notice of termination shall be sent by registered or certified mail with return receipt requested, upon prepayment of mailing costs.

Ch. 468 (AB 1439) Filante North Marin County Water District.

Under existing law, a county water district may, by using any water or water supplies furnished to the district or used by the district, construct, maintain, and operate plants for the generation of hydroelectric power from the water.

This bill would authorize the North Marin County Water District to use any water for the generation of hydroelectric power, subject to limitations or provisions of law, as specified, and subject to approval by the county board of supervisors or the lead agency on the project, as specified. The hydroelectric power would be required to be developed so as to meet specified energy requirements of the district.

The bill would make legislative findings and declarations in this connection

Ch. 469 (SB 1945) Foran Public employees

(1) The Budget Act of 1984 appropriates funds for compensation and benefit increases for state civil service employees, including employees of the Legislative Counsel Bureau, as provided on or after July 1, 1984, by the Department of Personnel Administration.

This bill would provide that during the period that legislative employees do not receive any increase in compensation due to mitigating factors related to the implementation of Proposition 24 on the June 5, 1984 Direct Primary Election ballot, the Department of Personnel Administration is prohibited from increasing the compensation of employees of the Legislative Counsel Bureau, and would authorize the appointing authority of these employees to reduce the workweek of the employees during that period without a reduction in salary so that it is comparable to the workweek of legislative employees.

(2) The Public Employees' Retirement Law confers exclusive control over the invest-

ment of the Public Employees' Retirement Fund upon the Board of Administration, prescribes related fiduciary standards, and imposes various limitations and conditions upon the exercise of the investment powers.

This bill would provide that except as otherwise restricted by the Constitution or laws, the Board of Administration may, in its discretion, invest the assets of the fund through the purchase, holding, or sale of any investment, financial instrument, or financial transaction when the investment, financial instrument, or financial transaction is prudent in the informed opinion of the board.

(3) This bill would take effect immediately as an urgency statute.

Ch. 470 (AB 2516) Bates Parks and recreation East Bay Regional Park District: lease of state lands.

Existing law requires the Department of Parks and Recreation to lease 80 acres of state land to the East Bay Regional Park District for not more than 20 years.

This bill would require the Director of General Services, with the approval of the Director of Parks and Recreation, to transfer that property to the district in exchange for the transfer to the state of 350 acres owned by the district, as specified, and would require the department to lease the property to the district if the exchange does not occur by January 1, 1986.

Ch. 471 (AB 3144) Frizzelle. Salaries

Existing law provides that if a state agency is authorized by statute to fix the salary or compensation of a state employee or officer which is payable out of state funds, the salary is subject to approval by the Department of Personnel Administration before it becomes effective and payable, unless the Legislature specifically provides that approval of the department is not required.

This bill would instead provide that, notwithstanding any other provision of law, if a state agency is authorized by statute to fix the salary or compensation of a state employee which is payable out of state funds, the salary is only subject to the approval of the department before it becomes effective and payable, and that the Legislature may expressly provide that approval of the department is not required.

Ch. 472 (AB 2601) Allen Fishing and hunting licenses: revocation reptiles.

(1) Under existing law, it is unlawful to take, among other things, reptiles in this state, except as provided in the Fish and Game Code or regulations adopted pursuant thereto. Under the Fish and Game Code, it is unlawful for a person over the age of 16 to take fish and amphibia without a license, and the code requires the Department of Fish and Game to issue licenses to take fish and amphibia for purposes other than profit, but these provisions do not include the taking of reptiles. Other provisions of that code provide that a sport fishing license granting the privilege to take fish, reptiles, or amphibia anywhere in the state for purposes other than profit is required to be issued by the department to specified persons over the age of 16 years upon payment of specified fees.

This bill would provide that, notwithstanding that provision requiring the issuance of licenses to specified persons, a sport fishing license is not required for a resident, as defined in existing law, to take any rattlesnake.

(2) Under existing law, upon recommendation of the Department of Fish and Game, the Fish and Game Commission is authorized to prohibit a person from taking fish or amphibia for 3 years if the person has 3 convictions of violations of statutes or regulations relating to taking or possession of fish or parts thereof within a 5-year period, or if the person is convicted of another violation after having had 3 convictions in a 5-year period.

Under existing law, if the person is so prohibited, the person's sport fishing license is forfeited for that period, the issuing of a sport fishing license to that person is prohibited, and it is declared unlawful for the person to obtain such a license during that period.

Existing law has similar provisions for conviction of violations relating to taking or possession of birds or mammals, or parts thereof, which results in the person's hunting license being forfeited.

A violation of these provisions is a misdemeanor.

This bill would, instead, require the commission to prohibit taking of fish, reptiles, or amphibia for 3 years and to revoke the sport fishing license for the period of the prohibition of a person upon the third conviction within a 5-year period of a violation.

of statutes or regulations relating to taking or possession of fish or amphibia or upon another conviction of such a violation after the person has had 3 convictions in 5 years. The bill would also make it unlawful for the person to obtain, or attempt to obtain, a license during a period of prohibition.

The bill would also provide similar provisions for conviction of violations relating to taking or possession of birds or mammals which results in revocation of the person's hunting license

The bill would provide for an appeal by a person, whose license is revoked and is under a prohibition of taking, to the commission for reissuance of the license and termination of the prohibition. The bill would authorize the commission to terminate the prohibition and authorize the issuance of a license under specified conditions.

(3) For purposes of the Fish and Game Code and rules, regulations, or orders adopted under it relating to revocation of a license or permit, a plea of no contest or forfeiture of bail is a conviction

This bill would make a plea of no contest or forfeiture of bail a conviction of a charged violation for purposes of that code, and rules, regulations, or orders adopted under it, relating to suspension, revocation, or forfeiture of any license or permit.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by changing the definition of a crime.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 473 (SB 2091) Lockyer. Elections

Existing law provides that only voters engaged in receiving, preparing, or depositing their ballots and persons authorized by the precinct board may be permitted to be within the voting booth area before the closing of the polls.

This bill would allow any child or children under the age of 13 years to be within the voting booth area if they are under a voter's care and the voter cannot find temporary alternative care while voting.

Ch 474 (AB 2796) Calderon. Limited partnerships

Existing law operative July 1, 1984, specifies the circumstances under which a person ceases to be a general partner of a limited partnership.

This bill would provide that, notwithstanding these provisions, a person who ceases to be a general partner of a limited partnership shall be deemed to be acting as a general partner with respect to a third party doing business with the limited partnership, until an amended certificate of limited partnership is filed with the Secretary of State, as specified.

The bill would make related changes

Existing law operative July 1, 1984, provides that a partner is obligated to return a distribution from a limited partnership to the extent that, after the distribution and notwithstanding the compromise of a claim that the partner make a contribution or return money or property, as specified, all liabilities of the limited partnership, with certain exceptions, exceed the fair salable value of the partnership assets other than those assets which are subject to liabilities as to which recourse of creditors is limited to specified property of the limited partnership

This bill would revise the calculation of the fair value of the partnership assets for the purposes of these provisions, to specify that the fair value of any property subject to a liability as to which recourse of creditors is limited to specified property shall be included in the partnership assets to the extent that the fair value of such property exceeds the liability.

This bill would take effect immediately as an urgency statute but would become operative on July 1, 1984

Ch 475 (AB 2729) Mojonnier. Crimes against lifeguards.

Under existing law, an assault is punishable by a fine of not more than \$1,000 or by imprisonment in a county jail not exceeding 6 months, or both, and a battery is punishable by a fine of not more than \$2,000 or by imprisonment in a county jail not exceeding 6 months, or both. Existing law also provides for an enhanced penalty for an assault against various persons including peace officers, firefighters, emergency medical technicians, or mobile intensive care paramedics (\$2,000 fine, or imprisonment in a county jail not exceeding one year, or both), and for a battery against various persons including peace officers, custodial officers, firefighters, emergency medical technicians, or mobile intensive care paramedics (\$2,000 fine, or imprisonment in the county jail not exceeding one year, or both, or, if an injury is inflicted on the victim, \$2,000 fine, or imprisonment in the state prison for 16 months, or 2 or 3 years).

This bill would include certain publicly employed lifeguards, as defined, among the category of persons for which an assault or battery would require an enhanced penalty described above, thereby creating a state-mandated local program.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 476 (AB 2682) Herger. Inspection warrants.

Under existing law, a state official who is required or authorized to conduct an inspection may have to obtain an inspection warrant, issued by a court, for each place, dwelling, structure, premises, or vehicle to be inspected.

This bill would authorize a court to issue a warrant for the inspection of an entire specified geographical area which is urban in character, for the purpose of an animal or plant pest or disease eradication effort, as specified.

Ch 477 (AB 2268) Cortese. Partnerships' real property

Under existing law, a statement of partnership listing the individual partners may be recorded in any county. Where real property is held in the partnership name, any partner may convey title to such property by a conveyance executed in the partnership name. The partnership may recover such property unless the partnership is bound by the partner's acts, as specified, or the property is conveyed to a bona fide purchaser without knowledge that the partner exceeded his authority.

This bill would specify that a statement of partnership may restrict a partner's authority to convey, encumber, or transfer real property so long as it is otherwise valid under the law, and it is signed, acknowledged, and verified by all of the partners. A recorded copy of this statement which is signed, acknowledged, and verified by all of the partners and which reflects that the title to the real property is in the partnership name or otherwise indicates ownership by the partnership would constitute constructive notice of the contents of the restriction and would be conclusive as to any real property located in the county in which the statement is recorded.

Ch. 478 (AB 2417) Farr. Department of Economic and Business Development: Industrial Marketing Plan.

(1) Existing law designates the Department of Economic and Business Development as the principal state agency for implementing the state's economic policy, among other things. It requires the Office of Business and Industrial Development within the department to perform specified functions concerning business conditions in California.

(2) This bill would state various findings and declarations by the California Legislature relating to this bill and the intent behind its provisions. It would require the department and the office to market California as a cost-effective and advantageous place for businesses to locate or expand.

(3) This bill would require all department employees, when traveling abroad or attending international trade shows, to do so in cooperation with the California World Trade Commission.

(4) This bill would require the Director of Economic Development, in cooperation with an advisory committee created by this bill, to develop an industrial marketing plan.

containing specified elements relating to industrial expansion in California. It would require the director to submit an annual report on the industrial marketing program, as specified, commencing on April 30, 1985

(5) This bill would create an advisory committee to be selected by the director, as specified. It would require the advisory committee to make recommendations on the preparation of the industrial marketing plan and the annual report.

(6) This bill would prohibit the department from using industrial marketing program funds for certain publicity purposes.

(7) This bill would repeal the provisions of items (4), (5), and (6), above, on July 1, 1988, unless a later enacted statute deletes or extends that date.

(8) This bill would take effect immediately as an urgency statute.

Ch. 479 (AB 2669) Sher Witnesses: hypnosis.

Under existing case law, the testimony of a witness who has undergone hypnosis for the purpose of restoring his or her memory of events in issue presently is inadmissible, as to all matters relating to those events, from the time of the hypnotic session forward, except that, according to case law, admitting testimony of a previously hypnotized witness is not necessarily a reversible error

This bill would provide that this testimony shall not be inadmissible in a criminal proceeding if the hypnosis was performed in accordance with specified standards and if the court, prior to admission of the testimony, holds a hearing at which the proponent of the evidence proves by clear and convincing evidence that the hypnosis did not so affect the witness as to render the witness' prehypnosis recollection unreliable or to substantially impair the ability to cross-examine the witness concerning the witness' prehypnosis recollection.

Ch. 480 (SB 2296) Rosenthal. Public Utilities Commission. office of public adviser.

Existing law requires the Public Utilities Commission to designate one of its staff as a public adviser to assist members of the public and ratepayers in testifying before and presenting information to the commission during commission hearings and proceedings.

This bill would revise these provisions to require the commission to establish an office of the public adviser and to appoint a public adviser. It would authorize the commission to employ staff necessary to carry out the duties of the office of the public adviser. It would require, among the other functions of the office, that the public adviser advise the commission on procedural matters regarding public participation in commission proceedings.

The bill would state the intention of the Legislature that the commission consider assigning part of its public adviser staff to its offices in southern California.

The bill would direct the public adviser appointed by the commission under the bill to report to the Legislature on or before June 30, 1985, on the commission's implementation of the bill.

The bill would delete certain obsolete provisions regarding the commission's initial designation of a public adviser

Ch. 481 (AB 2205) Frazee. Court clerks.

Existing law authorizes the filing of a claim by the defendant as well as by the plaintiff in a small claims court action, but the provisions referring to the filing fees for small claims court refer to claims filed by a plaintiff for the commencement of an action.

This bill would revise the filing fee provisions for small claims court to refer to claims filed by a party, rather than claims filed by a plaintiff for the commencement of an action.

Existing law provides, with respect to a custodian of records or qualified witness who is required to deliver legible and durable copies of all the records described in a subpoena duces tecum to the clerk of a court or the judge, that the copy of the record shall remain sealed, as specified Existing law further provides that records which are not introduced in evidence or required as part of the record shall be returned to the person or entity from whom received

This bill would require original documents not introduced in evidence or required as part of the record to be returned and would authorize records which are copies of those originals to be destroyed

Existing law requires the county clerk to immediately give the Judges' Retirement System written notice of the appointment, election, death, removal, or registration of a judge of a municipal or justice court.

This bill would require the clerk or the administrator of the municipal or justice court to give that written notice.

The bill would mandate a new program or higher level of service on local governments by imposing new duties on county officials.

Existing law does not authorize justice courts to charge a fee for searching records or files.

This bill would so provide.

Existing law authorizes the deposit of bail by a person who promised to appear, or before the time to appear contained on a notice of a parking violation, by personal check which meets the written policy governing the acceptance of personal checks in payment of bail deposits to a court, sheriff, or other agency which regularly accepts deposits of bail.

This bill would provide that the written policy shall provide that the payee of the deposit made by personal check shall be the agency accepting the deposit.

Existing law requires the clerk of the juvenile court to notify and serve a copy of the petition relating to dependent children of the juvenile court and wards of the juvenile court to all persons required to receive that notice and copy of the petition either personally or by certified mail with request for return receipt.

This bill [alternatively]* would require the clerk to serve the notice and copy of the petition either personally or by first-class mail [if the dependent child or ward of the juvenile court is detained and all persons entitled to notice were present at the detention hearing]*

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1991, the provisions contained in the bill for which state reimbursement is required.

Ch. 482 (AB 3757) Hughes. Schools school districts.

(1) Current law specifies that each person employed by a county superintendent of schools in a position requiring certification qualifications, except specified employees, and whose salary is paid from the county school service fund, has the same right with respect to leaves of absence, sick leave, and bereavement leave as a person employed by a school district or community college district in a position requiring certification qualifications. Existing law requires the specified provisions of existing law governing the employment of certificated employees to apply to these persons.

This bill would include additional specified provisions of existing law as being applicable to these employees.

(2) Existing law authorizes the board of supervisors of a county to direct the county superintendent of schools to establish and maintain schools or classes for prisoners. Existing law prescribes a method of determining an amount allowed to each county superintendent of schools maintaining those schools or classes.

This bill would revise the method used to compute the amount allowed for these schools or classes by requiring the Superintendent of Public Instruction to compute the prior year statewide average revenue limit per unit of average daily attendance for adults, increased by a amount specified under specified provisions of existing law for the current fiscal year.

(3) Existing law authorizes county boards of education to enroll specified categories of pupils in community schools, including, among others, pupils who are court wards or on probation from juvenile hall or camps who are not in attendance in any school and

who are referred by any court

This bill, instead, would authorize county boards of education to enroll in community schools pupils who are probation-referred, as prescribed in specified provisions of existing law, or who are on probation or parole and who are not in attendance in any school

(4) Existing law requires the Superintendent of Public Instruction to make prescribed calculations to determine the revenue limits for special schools and classes operated by county superintendents of schools.

This bill would revise the method for the calculation of the amount to be allocated under the provisions of existing law for direct services and other purposes provided by county superintendents of schools, as prescribed.

(5) Existing law prescribes a method whereby funds appropriated for child care and development programs may be used for alternative payment programs to allow for maximum parental choice regarding costs for child care, as prescribed. Existing law requires the State Department of Education to establish and maintain a contingency fund for alternative payment programs to be used for the reimbursement of actual and allowable costs incurred for additional services, as prescribed.

This bill would repeal the provisions of existing law

This bill would require the State Department of Education, out of funds appropriated in accordance with specified provisions of existing law relating to alternative payment programs, to reallocate funds necessary to reimburse alternative payment programs for actual and allowable costs incurred for additional services. This bill would authorize applicants to apply for an amount not to exceed \$5,000, or 2% of the contract amount, whichever is greater. This bill would specify that applicants who received funds under these provisions for 2 consecutive years may not apply for funds for the following year

(6) Existing law requires that any child development funds allocated to provider agencies but unspent at the close of a fiscal year shall be carried over by the State Department of Education into the next fiscal year, and redistributed, as prescribed.

This bill would repeal the provisions of existing law.

This bill would require that, notwithstanding any other provisions of law, child development appropriations shall be available for expenditure for 3 years, except that funds remaining unencumbered at the end of the first fiscal year shall be unallocated. This bill would require the Superintendent of Public Instruction to establish criteria and procedures for the reallocation of unearned contract funds in the second and third years of availability, in accordance with prescribed priorities

(7) Existing law establishes the Commission on School Governance and Management comprised of members appointed in a prescribed manner for the purpose of conducting appropriate studies and the submission of recommendations to the Legislature and the Governor regarding specified subject areas. Existing law requires the commission to submit its initial report on or before October 1, 1984.

This bill would authorize the commission, in addition to their statutorily prescribed duties, to also study and make recommendations concerning other matters brought before it by the Superintendent of Public Instruction

This bill would require the commission to prepare its initial report for submission to the Legislature and the Governor on or before April 1, 1985. This bill would repeal the provision of existing law requiring the preparation of the initial report on June 30, 1985.

This bill would make these provisions inoperative on June 30, 1985, and repeal them on January 1, 1986, unless a later enacted statute deletes or extends those dates

(8) Existing law authorizes the governing board of a unified school district, or a district with over 10,000 average daily attendance, upon approval by the Superintendent of Public Instruction, to establish fiscal independence and to cause to be drawn all warrants on the county treasury against all the funds, except debt service, of the district in the county treasury in the payment of the expenses of the district, in accordance with specified procedures and requirements, including, among other things, the submission of a written application.

This bill would require the county superintendent of schools to forward the district's application, together with his or her other recommendations and the recommendations of the county auditor and a specified report, to the Superintendent of Public Instruction for approval or disapproval. This bill would specify that the superintendent shall approve the application only if he or she finds that the accounting controls of the districts are adequate. This bill would require the county superintendent of schools to be reim-

bursed for all costs incident to the accounting controls survey made pursuant to the district's application from the district's funds.

This bill would specify that upon approval by the superintendent, the issuance of warrants shall be effective at the beginning of the fiscal year if the approval had been made prior to the preceding first day in January. This bill would specify that in the event that the issuance of warrants has been disapproved, the superintendent and the county superintendent of schools shall state the specific steps which must be taken in order to obtain approval. This bill would specify that at any time the county superintendent of schools determines that the accounting controls of the district have become inadequate, he or she may recommend to the Superintendent of Public Instruction that the approval be revoked, to be effective on the first day of the next following fiscal year.

(9) Existing law requires the Superintendent of Public Instruction, in cooperation with the Department of Finance and the Auditor General, to provide for a plan for independent audits of state and federal funds allocated to private agencies under contract with the State Department of Education for the provision of educational services.

This bill would specify that the audit for child development services shall include all funds deposited in the child development fund.

(10) Existing law requires the governing board of each school district to establish and maintain a historical inventory, an audit trace inventory system, or any other inventory system authorized by the State Board of Education containing inventory information, including, among other things, the original cost of all items of equipment whose current market value exceeds \$200.

This bill would increase that amount to \$500. This bill would authorize a reasonable estimate of the original cost to be used where the original cost is unknown.

(11) Existing law requires the county superintendent of schools to make prescribed calculations in computing the revenue limit for each school district with fewer than 2,501 units of average daily attendance, on account of each necessary small high school, selected with regard only to the number of certificated employees employed or average daily attendance, whichever provides the lesser amount.

This bill would specify that for purposes of these provisions, the term "certificated employee" shall mean an equivalent full-time position of an individual holding a credential authorizing service and providing service in grades 9 through 12 in any secondary school. This bill would specify that any fraction of an equivalent full-time position remaining after all equivalent full-time positions for certificated employees have been calculated shall be deemed to be a full-time position.

(12) Existing law states the legislative intent that college and university faculty members who teach courses relating to teaching methods in programs of professional preparation that are approved by the Commission on Teacher Credentialing have direct knowledge of the way that public elementary and secondary schools function and operate.

This bill would extend this statement of legislative intent to college and university faculty members who teach courses relating to administrative services credential programs.

(12.5) Existing law specifies that commencing February 1, 1983, the Commission on Teacher Credentialing shall not issue initially any credential, permit, or certificate to, or renew for the first time the emergency credential of, any person to serve in the public schools unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills in the English language as required pursuant to specified provisions of existing law.

This bill would revise this requirement as it relates to, among other things, applicants for renewal of an emergency credential and persons credentialled in another state who have passed a school district's basic skills proficiency examination.

(13) Existing law requires the Commission on Teacher Credentialing to issue teacher trainee certificates authorizing persons employed by school districts maintaining grades 9 to 12, inclusive, or maintaining grades 7 and 8 in a departmentalized junior high school, to provide classroom instruction, as prescribed. Existing law authorizes the commission to suggest alternative models of professional development plans for teacher trainees for consideration and adoption by school districts, as prescribed.

This bill would require the commission, on or before August 1, 1984, to inform each school district regarding teacher trainee options and to report to the Legislature on the

methods employed to inform school districts

Existing law specifies that unless the commission determines that substantial evidence exists that a person is unqualified to teach, upon the successful completion of two years of successful service as a teacher trainee, and upon the recommendation of the school district governing board, the commission shall issue credentials to teacher trainees in the same manner as applicants recommended for credentials by institutions operating approved programs of professional preparation.

This bill would require the commission to issue teacher trainees clear credentials, rather than preliminary credentials, and expresses the intent of the Legislature to this effect.

(14) Under existing law, school districts may receive reimbursement for increasing the salaries of certain certificated employees, as prescribed.

This bill would revise the method for the establishment of a salary schedule, and would specify that the adjustment to the district's revenue limit computed pursuant to specified provisions of existing law shall continue so long as the increase in the salary schedule made pursuant to specified provisions of existing law is maintained

(15) Existing law specifies that in the 1984-85 fiscal year, for each school district which certifies to the Superintendent of Public Instruction that it offers 180 days or more of instruction per school year, the superintendent shall apportion \$35 per unit of average daily attendance, as prescribed. Existing law specifies that a year-round school shall be deemed to be in compliance with these requirements if it certifies to the superintendent that it is a year-round school and maintains its school for 5 more days, or its equivalent, than that maintained in the 1982-83 fiscal year.

This bill would specify that a year-round school shall be deemed to be in compliance if it certifies that it maintained its schools for 5 more days, or its equivalent, than that maintained in the 1982-83 school year, not to exceed a total of 180 days.

(16) Existing law specifies that any school district or private school whose real or personal property has been willfully cut, defaced, or otherwise injured, or whose property is loaned to a pupil and willfully not returned upon demand, may, after affording the pupil his or her due process rights, withhold the grades, diploma, and transcripts of the pupil until payment for damages has been made

This bill would prohibit a school district or private school from taking these actions with respect to the requirement found under the provisions of existing law requiring the transfer of a pupil's permanent record upon transfer from one school district to another, or to a private school.

(17) Existing law states the legislative intent that the funding system for school improvement programs operated under specified provisions of existing law, be simplified and equalized to the end that all districts have available for ongoing efforts \$106 per pupil enrolled in kindergarten and grades 1 through 6, as adjusted. Existing law prescribes a method for the allocation of cost-of-living adjustments for school improvement programs in these grades by the Superintendent of Public Instruction, as prescribed

This bill would make substantive changes in the method to be employed in the calculation of these allocations and cost-of-living adjustments.

Existing law specifies that school districts receiving school improvement funds for pupils in kindergarten and grades 1 through 6 may use those funds in an approved school for these pupils, as prescribed.

This bill would repeal these provisions of existing law.

This bill would specify that schools which receive funds for pupils in specified grade levels may use those funds for pupils in any grade level in the school, provided that funds are used in accordance with a plan approved pursuant to specified provisions of existing law.

(18) Existing law specifies a method for the determination of general aid allowances to school districts by the Superintendent of Public Instruction

This bill would revise the method for the calculation of these allowances for the 1984-85 fiscal year and each fiscal year thereafter, as prescribed.

(19) Existing law authorizes the governing board of any school district maintaining elementary schools, in order to provide reading instruction under the provisions of the Miller-Unruh Basic Reading Act of 1965, to appoint any elementary school teacher to a reading specialist position if the applicant meets prescribed minimum requirements. Existing law specifies that prescribed requirements for the completion of specified

college or university courses are not applicable to reading specialists with valid Miller-Unruh Reading Specialist Certificates issued prior to a specified date.

This bill would specify that these requirements are not applicable to reading specialists with valid reading specialist credentials issued pursuant to specified provisions of existing law, or Miller-Unruh Reading Specialist Certificates issued prior to September 29, 1983.

(20) Under existing law, the Legislature is required to conduct a comprehensive study of certain educational programs. These programs, as presently maintained, sunset on various specified dates, unless the Legislature enacts legislation providing otherwise. If the Legislature does not enact such legislation, funding for the general purposes of the program continues after the termination date, but relevant statutes and regulations are not operative.

This bill would delete the sunset date for educational technology programs.

(21) Existing law requires each school district to submit a single consolidated application for the approval or continuance of specified categorical programs.

This bill would delete child care and development programs from inclusion in these consolidated applications.

(22) Existing law establishes the California Teacher Shortage Loan Assumption Program authorizing the Student Aid Commission to assume specified dollar amounts of specified loan programs based upon the completion of prescribed years of service as a teacher for participants. Existing law specifies that teachers providing classroom instruction, or enrolled in a teacher training program in the fields of mathematics, science, and other areas with a shortage of teachers, as determined by the Superintendent of Public Instruction are eligible for participation in the program. Existing law requires the superintendent to identify other areas in which there are shortages of teachers and to submit recommendations to the Student Aid Commission for purposes of extending program eligibility to persons who will teach in these areas. Existing law requires each applicant to agree to teach in a California public school for at least 3 academic years after obtaining a teaching credential.

This bill would delete the requirement that the superintendent identify other areas in which there are shortages of teachers for submission to the Student Aid Commission.

This bill would require the 3 academic years of service to be consecutive, and would make related changes in other provisions of the program.

This bill would also clarify the requirement that, in the event that a program participant fails to complete the minimum 3 consecutive academic years of teaching service, the participant must assume full liability for student loan obligations by specifying that he or she shall assume the full liability for student loan obligations remaining after the Student Aid Commission's assumption of loan liability for the last year of qualifying teaching service.

Current law requires the Student Aid Commission to provide for the assumption of up to 500 student loans for eligible California Teacher Shortage Loan Assumption Program participants for the 1985-86 school year.

This bill would also require the commission to provide for the assumption of up to an additional 500 student loans for eligible program participants each school year thereafter subject to funding to be made available in the Budget Act of each fiscal year.

(22.5) Existing law appropriates the sum of \$5,500,000 from the General Fund to Section A of the State School Fund for allocation to the Alameda County Office of Education in the 1983-84 fiscal year, a portion of which is to be used as an advance on the amount that the Alameda County Office of Education will receive for special education transportation in the 1984-85 fiscal year and the remaining portion to be used as an emergency apportionment for purposes of specified provisions of current law.

Existing law requires the Alameda County Office of Education to provide written notification to specified school districts currently operating under a contract with the Alameda County Office of Education for special education transportation services that the district will discontinue the provision of these services for other than its own special education program as of July 1, 1984.

This bill would specify that upon mutual consent by the Alameda County Office of Education and these school districts or special education local planning agents, these contracts may be assigned or renegotiated.

(23) Existing provisions of the Budget Act of 1983 require the Superintendent of

Public Instruction to compute an allowable growth factor for each school district, county office, or joint powers agency operating regional occupational centers and programs according to a specified formula.

This bill would revise the formula for the calculation of the growth factor for regional occupational centers and programs.

(24) This bill would make other technical, nonsubstantive amendments

(25) This bill would require the Legislative Analyst, on or before January 1, 1985, to conduct a study relative to the distribution of Urban Impact Aid, as prescribed.

(26) This bill would require the Superintendent of Public Instruction to calculate for the 1983-84 fiscal year apportionments to county superintendents of schools in accordance with the requirements of specified provisions of current law, as amended by this bill.

(27) This bill would state the legislative intent that the revisions to the allocation of funds apportioned to regional occupational centers and programs made pursuant to this bill shall be applied retroactively for the 1983-84 fiscal year.

(28) This bill would take effect immediately as an urgency statute.

Ch. 483 (AB 2480) Sher. Schools: violence against persons.

Existing law provides misdemeanor punishment for assault or battery generally, but an increased penalty for assault, and alternative felony-misdemeanor punishment for battery, is authorized when the victim is, among others, a teacher, student teacher, school security officer, or school administrator engaged in the performance of his or her duties and the offense occurs on school property.

This bill would instead provide increased penalties when the victim is any person on school property [, and increase the fines authorized for those offenses]*.

Increased punishment is also provided under existing law when an assault or battery is against specified transportation workers

The bill would increase the fines authorized for assault or battery against those transportation workers and would also apply to schoolbus drivers the same penalties which apply in the case of the other specified transportation workers

The bill would create a state-mandated local program by changing the definition of a crime.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 484 (AB 2438) Condit. Physically handicapped access requirements. parking.

Under existing law, the State Architect is required to adopt building standards for making public buildings accessible to, and usable by, physically handicapped persons

This bill would require these regulations to specify that all parking places reserved for the physically handicapped be identified in the manner prescribed by the Vehicle Code.

Ch. 485 (AB 2379) Sher. Juvenile court law

Existing law provides for the liability of parents of a minor detained pursuant to an order of the juvenile court for the portion of the costs incurred by the county in maintaining such a minor that are equivalent to the reasonable expenditures required of parents pursuant to the legal obligation of parents to support their children, as specified.

This bill would specify that the parental liability for costs of support includes only actual costs incurred by the county for food and food preparation, clothing, personal supplies, and medical expenses, as specified. The bill would state the Legislature's intent that this liability be imposed only on persons with ability to pay

Ch. 486 (AB 2389) Floyd. Wage payments: itemized statements.

Existing law requires every private employer to furnish each of his or her employees, semimonthly or at the time of each payment of wages, an itemized statement in writing

showing specified items.

This bill would require that this itemized statement show, in addition to the items specified, the total hours worked by each employee whose compensation is based on an hourly wage.

This bill would also specify that it does not apply to government agencies.

This bill would become operative on January 1, 1986.

Ch. 487 (SB 1577) Montoya. Freeways: vending within 500 feet.

Existing law prohibits, with specified exceptions, any person from soliciting, displaying, selling or offering to sell, or vending or attempting to vend any merchandise or service while being wholly or partly within a freeway right-of-way. A first offense is an infraction and a second or subsequent offense is a misdemeanor.

This bill would impose a state-mandated local program by creating a new crime by making the same prohibitions and penalties applicable on any roadway or shoulder within 500 feet of a freeway off-ramp or on-ramp. The above penalties would also be applicable to vending or attempting to vend to vehicular traffic on a sidewalk within 500 feet of a freeway off-ramp or on-ramp.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 488 (SB 1583) Montoya. Vehicles: licenses issued by the California Highway Patrol.

Existing law authorizes the Commissioner of the California Highway Patrol to issue licenses for private ambulances, armored cars, fleet owner inspection and maintenance stations, and for the transportation of hazardous material, including explosives. Under existing law, the term of these licenses is 12 months.

This bill, which would apply only to licenses to haul hazardous materials and other license categories established on or after January 1, 1982, would authorize the commissioner to issue licenses from 6 to 18 months (with prorated fees) for the purpose of staggering license renewals.

Ch. 489 (AB 2843) Isenberg. Community colleges finance.

Existing law requires the books and accounts of a community college district to be annually audited.

This bill would express the Legislature's intent that minor and inadvertent errors in a district's student attendance records shall be resolved in a fair and equitable manner by the Chancellor of the California Community Colleges.

This bill would provide that the apportionment to a community college district for any fiscal year following the fiscal year affected by an audit conducted in the 1980-81 fiscal year or in any fiscal year thereafter, or affected by the district's declaration of a discrepancy in its student attendance report subsequent to the submission of its annual student attendance report, shall not be affected, provided that the district has satisfied certain specified conditions.

This bill would specify that the funds used to meet the costs of implementing this bill for the 1984-85 fiscal year shall be from the appropriations made to Section B of the State School Fund by the Budget Act of 1984.

This bill would provide that any positive adjustment to a district's apportionment resulting from the implementation of this bill shall not affect prior year apportionments to other districts.

Ch. 490 (SB 1481) Vuich. Courts: Fresno and Tulare Counties.

(1) Existing law establishes the number, compensation, and classification of municipal court personnel in Fresno County.

This bill would revise the number, compensation, and classification of municipal court personnel in Fresno County.

(2) Existing law establishes the compensation of municipal court personnel in Tulare County.

This bill would revise the compensation of municipal court personnel in Tulare County.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would result in a state-mandated local program by increasing the number and salary of court personnel. However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 491 (SB 1489) Boatwright. Courts: Contra Costa County.

Existing law specifies the classification of municipal court personnel, including personnel in the marshal's office, in Contra Costa County

This bill would authorize the board of supervisors to combine existing classes of municipal court personnel, including personnel in the marshal's office, in Contra Costa County, as specified

Ch. 492 (SB 1922) Marks. Discrimination in employment

Existing law prohibits discrimination in employment on the basis of specified factors, and requires the Fair Employment and Housing Commission to hold hearings on accusations of discrimination in employment, and to determine the issues raised in those hearings

Existing law also prohibits discrimination in state civil service employment on the basis of specified factors, and requires the State Personnel Board to make investigations and hold hearings concerning the enforcement of these provisions.

This bill would provide that if the commission or the board finds that a person has engaged in prohibited discrimination, and it appears that the discrimination consisted of acts described in specified Penal Code provisions relating to sex crimes, the commission or board would be required, with the consent of the complainant, to provide the local district attorney's office with a copy of its decision and order

Ch. 493 (AB 2282) McAlister. Trusts.

Under existing law, the interest of a trust beneficiary who also is a judgment debtor is subject to enforcement of a money judgment only upon petition of the judgment creditor to the probate court for an order that payments from the trust be applied to the satisfaction of the judgment by such means as the court determines are proper. If the trust is a spendthrift, only surplus income over an amount necessary for the education and support of the beneficiary is subject to the creditor's claim

This bill would provide that a court may make an order, upon petition of the judgment creditor, that the trustee withhold and pay to the judgment creditor all or a portion of the amount that otherwise would be paid periodically to the judgment debtor from the trust. In the case of a spendthrift or support trust, the order may not reach any exempt portion paid periodically to the judgment debtor. The order would continue in effect until the judgment of the judgment creditor is satisfied, modified, or terminated.

The bill would also provide that the provisions of any such order shall not become effective until 30 days after the order has been served upon the trustee, as specified. The trustee would not be liable for any action taken or omitted to be taken in compliance with any such court order.

This bill would apply to all trusts, whether created before or after January 1, 1985.

Ch. 494 (AB 3027) Nolan. Youth Authority wards.

Existing law provides for the deposit of Youth Authority wards' funds in a trust fund by the Youth Authority, and for expenditure as specified.

This bill would express the intent of the Legislature that wards of the Youth Authority be held accountable for intentional damage and destruction of public property committed while they are confined in Youth Authority facilities, and would authorize the Youth Authority to deduct from a ward's trust fund any amounts that are necessary to pay for

intentional damage to public property caused by the ward while confined within an institution or other facility of the Youth Authority, as specified.

Ch. 495 (AB 2535) Hughes. Education: classroom interruptions.

Existing law does not provide for a policy regarding classroom interruptions.

This bill would express the intent of the Legislature that each governing board of a school district formally address the problem of classroom interruptions and adopt a policy to control those interruptions, and would require the Superintendent of Public Instruction to develop and distribute to each governing board of a school district a model policy for the reduction and control of classroom interruptions.

Ch. 496 (AB 2977) Cortese. Improvement Bond Act of 1915: refunding bonds.

The Improvement Bond Act of 1915 authorizes the issuance of bonds to pay the costs of improvements by local public agencies. Existing law contains specified procedures for the refunding of bonds issued under this act.

This bill would enact the "Refunding Act of 1984 for 1915 Improvement Act Bonds" to be an alternative to existing procedures to refund bonds under the Improvement Act of 1915. It would prescribe reassessment procedures, refunding bond issuance procedures, and validation procedures.

The bill would take effect immediately as an urgency statute.

Ch. 497 (SB 1878) Craven. Health.

(1) Under existing law, the Director of Health Services is required to adopt specified emergency regulations, which are scheduled to remain in effect until June 30, 1984.

This bill would supersede the above requirement and require the director to adopt new emergency regulations, as specified.

(2) Existing law provides definitions of various health facilities, including "intermediate care facilities," which are facilities providing inpatient care to ambulatory or semiambulatory patients in specified circumstances.

This bill would change the definition of "intermediate care facilities" to facilities providing inpatient care to ambulatory or nonambulatory patients in specified circumstances

(3) Under existing law, the State Department of Health Services and the State Department of Developmental Services are required to jointly develop and implement licensing and Medi-Cal regulations appropriate to intermediate care facilities/developmentally disabled habilitative facilities.

This bill would mandate the State Department of Health Services to require licensed intermediate care/developmentally disabled habilitation facilities to have an overall staff-to-client ratio of one staff member to each two clients. As this requirement would apply to facilities operated by entities of local government, it would constitute a state-mandated local program. The bill would also specify various other staff requirements for these facilities which would constitute state-mandated local programs. In addition, the bill would require the State Department of Health Services, in consultation with the State Department of Developmental Services, to establish rates of reimbursement and licensing requirements for these facilities based on specified criteria. These provisions would only become operative if the director fails to adopt the emergency regulations described in paragraph (1).

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(5) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

(6) The bill would take effect immediately as an urgency statute.

Ch. 498 (SB 1640) Royce Bank and corporation taxes: suspension and revivor of corporate powers.

Under the existing Bank and Corporation Tax Law, any taxpayer which has suffered the suspension or forfeiture of its corporate powers, rights, and privileges for failure to file a return or for nonpayment of taxes, penalties, or interest may apply to the Franchise Tax Board for a certificate of revivor. It permits that application to be made by, in the case of a domestic bank or corporation, any stockholder or creditor or by a majority of the surviving trustees or directors thereof, and in the case of any foreign bank or corporation, by any stockholder or creditor thereof.

This bill would additionally permit an application for a certificate of revivor to be made by an officer, or by any other person who has interest in the relief from suspension or forfeiture.

Ch 499 (AB 2975) Baker. Department of Motor Vehicles: occupational licenses.

(1) Under existing law, the Department of Motor Vehicles is required to charge a fee for alteration of the license of a dealer, lessor-retailer, dismantler, manufacturer, manufacturer branch, remanufacturer, remanufacturer branch, distributor, and distributor branch, and transporter. Existing law does not require alteration of the license for a change in corporate officer structure.

This bill would include changes in corporate officer structure as a change requiring alteration of the license and would specify fees therefor.

(2) Existing law specifies as a qualification for a driving school operator or instructor that the person cannot have been convicted of a crime involving an act of dishonesty, fraud, or deceit with prescribed intent.

This bill would, for these purposes, specifically include convictions following a plea of *nolo contendere*.

(3) Existing law prescribes qualifications for driving school operators, including instructional experience.

This bill would allow a driving school operator whose school teaches only motorcycle riding to substitute prescribed motorcycle range and street teaching for behind-the-wheel teaching experience.

(4) Existing law prescribes various fees relative to licensing of driving school owners, operators, and instructors.

This bill would revise these fees, as prescribed, and would consolidate the statutory provisions specifying these fees.

(5) Existing law authorizes the department to cancel, suspend, revoke, or refuse to renew the license of a driving school owner, operator, or instructor for specified causes.

This bill would delete provisions concerning cancellation and refusal to renew such a license and would also require prior notice and a hearing before suspending or revoking these licenses

(6) Existing law, with certain exceptions, prohibits operating a driving school or giving driving instruction for compensation without an appropriate license from the department

This bill would exempt specified nonprofit organizations providing off-the-highway instruction in the operation of motorcycles

(7) Under existing law, licenses for driving school owners and operators terminate one year from the date of issue.

This bill would instead terminate these licenses one year from midnight of the last day of the month of issuance.

(8) Existing law authorizes the department to issue occupational licenses to automobile dismantlers, dealers, lessor-retailers, manufacturers, manufacturer branches, remanufacturers, remanufacturer branches, transporters, distributors, and distributor branches.

This bill would make the licenses effective from midnight of the last day of the month of issuance and would preclude renewal more than 30 days after the expiration date. The bill would specify a penalty for late renewal

(9) Under existing law, a vehicle salesperson's license is canceled automatically if the licensee fails to apply for renewal before the expiration date.

This bill would also require payment of renewal fees by that date.

Ch. 500 (SB 1679) Presley County jails.

AB 2357 provides for the allocation of money in the County Jail Capital Expenditure Fund established by the County Jail Capital Expenditure Bond Act of 1984 to those applications for large project funding that received no or partial funding under the County Jail Capital Expenditure Bond Act of 1981, and for allocation in order of rank scores.

AB 3805 sets forth criteria for allocation of funds under the 1981 and 1984 bond acts

This bill would amend the provisions of AB 2357 to instead provide for allocation in accordance with the provisions of AB 3805. It would appropriate the money from the 1984 bond act, and direct the allocation of the money from the 1981 bond act, in accordance with the provisions of AB 3805

It would further revise the allocations set forth in AB 3805

The bill would become operative only if AB 2357 and AB 3805 are chaptered and are chaptered first.

The bill would take effect immediately as an urgency statute.

Ch. 501 (SB 993) Hart. Student Aid Commission: data processing and distribution contracts.

Under existing law, the Student Aid Commission administers the Cal Grant program and the State Guaranteed Student Loan program.

This bill would authorize the commission to enter into contracts with public agencies or private entities to improve the processing and distribution of grants and fellowships, and that of guaranteed student loan applications, through the use of electronic networks and unified data bases. This bill would require the commission to report, by January 1 of each year, to the fiscal committees of the Legislature regarding contracts made pursuant to this authorization and regarding the status of those contracts.

Ch 502 (SB 2058) Petris Health services. American Indians.

(1) Under existing law, the State Department of Health Services is required to contract and cooperate with local governmental agencies and voluntary nonprofit organizations in connection with the development of local health programs for American Indians and their families.

This bill would, instead, require the department to cooperate with local governmental agencies and to contract with voluntary nonprofit organizations in connection with the development of these programs.

(2) Under existing law, the department is required to maintain a program for American Indians, among other programs, and to expend funds to assist any urban or rural American Indian health program in existence on January 1, 1984.

This bill would delete the requirement that the American Indian health program have been in existence on January 1, 1984.

(3) Under existing law, the department is required to prepare a statewide plan by July 1, 1984, for providing health services to underserved rural and urban areas and underserved population groups.

This bill would, instead, require the department to prepare the plan by January 1, 1985.

(4) This bill would take effect immediately as an urgency statute

Ch 503 (SB 2219) Keene Junior high schools' withdrawal

Under existing law, the voters of a school district may vote to withdraw from a junior high school system

This bill would prohibit an election to reverse that action for 3 complete school years following the date the withdrawal occurs

Ch 504 (SB 2156) Seymour Subdivisions' conditions for approval.

Existing law prohibits a local agency from requiring, as a condition to the issuance of any building permit or equivalent permit for residential units in a subdivision once a tentative map has been approved or conditionally approved for the subdivision, or upon the recordation of a parcel map for the subdivision where no tentative map was required, conformance with or the performance of any conditions which the local agency

could have imposed as a condition to the previously approved tentative or final subdivision map. However, existing law does not prohibit a local agency from (1) imposing conditions or requirements upon the issuance of a building permit or equivalent permit which could have been lawfully imposed as a condition to the approval of a tentative or parcel map if the local agency finds it necessary because a failure to do so would place the residents of the subdivision or of the immediate community, or both, in a condition perilous to their health or safety, or both or because the conditions are required by state or federal law, or (2) from withholding or refusing to issue a building permit or equivalent permit if the local agency finds it necessary to do so in order to comply with state or federal law, or (3) from assuring compliance with the applicable zoning ordinance. Existing law provides that these provisions are repealed on January 1, 1989, unless a later enacted statute, which is chaptered before January 1, 1989, deletes or extends that date.

This bill would make the provisions applicable to a city or city and county which incorporates on or after January 1, 1985, and which includes within its boundaries any areas for which a tentative map has been approved or parcel map recorded, as specified

Ch. 505 (SB 1886) Vuich Certificated employees: compulsory leave.

Existing law authorizes the governing board of a school district to immediately place an employee charged with any of certain narcotics offenses, any of certain controlled substance offenses, or unlawful sexual intercourse with a minor, upon compulsory leave of absence.

This bill would include the crime of murder within this provision.

Ch. 506 (SB 1623) Vuich. Boll weevil control and eradication.

(1) Existing law provides a system for agricultural pest control and eradication in which state and local responsibilities are shared by the Department of Food and Agriculture and the county agricultural commissioners, as specified.

This bill would appropriate \$800,000 from the General Fund to the department for the purpose of controlling and eradicating the cotton boll weevil in Imperial, Riverside, and San Bernardino Counties, and would make legislative findings and declarations in that connection.

(2) Existing law requires every cotton grower in this state to pay to the Director of Food and Agriculture a maximum fee of \$2 for each bale of cotton ginned or for each bale sold by growers who received the cotton pursuant to the federal payment-in-kind program (PIK). The funds generated from these fees are deposited in the Department of Food and Agriculture Fund and are continuously appropriated to the department for the purpose of controlling pink bollworm or other related cotton pests.

This bill would require the department to expend up to \$800,000 of these funds for reimbursement of activities required to control and eradicate the cotton boll weevil in those counties, on an equal basis with the General Fund moneys appropriated for that purpose by the bill.

(3) The bill would take effect immediately as an urgency statute

Ch. 507 (SB 1534) McCorquodale Occupational safety and health.

Existing law requires the Division of Occupational Safety and Health to prepare a notice containing pertinent information with regard to safety in employment, which is required to contain specified items.

This bill would require that this notice also contain an explanation of an employee's right to receive information under the Hazardous Substances Information and Training Act

Ch. 508 (SB 1488) Ellis. Vehicle Code infractions: fines for repeat offenders.

Infractions under the Vehicle Code are, with certain exceptions, punishable under existing law by a maximum fine of \$50, with a \$100 maximum fine for a second conviction in a year, and a \$250 maximum fine for a third or subsequent conviction in a year.

This bill would revise the enhanced penalties for repeat offenses to make them applicable to repeat infraction offenses occurring within one year from prior infractions which resulted in convictions, rather than to repeat convictions occurring within the period of a year.

The bill would amend Section 42001 of the Vehicle Code to incorporate the changes

in that section proposed by AB 2877 if this bill is enacted after AB 2877

Ch 509 (SB 1421) Craven. Flood protection. San Luis Rey River.

(1) Existing law provides for state cooperation with the federal government in the construction of specified flood control projects.

This bill would adopt and authorize the project for flood protection on the San Luis Rey River in accordance with congressional action at an estimated cost to the state of the sum that may be appropriated for cooperation by the Legislature upon recommendation by the Department of Water Resources.

The bill would authorize the department to pay 50% of the nonfederal capital costs of recreation and fish and wildlife enhancement features of the project.

The bill would impose a state-mandated local program by requiring the City of Oceanside to give assurances to the Secretary of the Army of local cooperation and to execute plans for the project in cooperation with the Department of the Army.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 510 (SB 1412) Craven. Vehicles- disabled person placards.

(1) Existing law authorizes the Department of Motor Vehicles to issue distinguishing placards to identify vehicles of disabled persons. Existing law specifies the size and color of the placards and requires them to be displayed on the driver's side of the vehicle.

This bill would, effective April 1, 1985, cancel all these placards issued before January 1, 1985. The bill would require the reissuance of those placards and would authorize the department to charge a fee for the reissuance. The bill would specify that a placard is valid for 2 years. The bill would authorize the department to charge a renewal fee for the placards and to determine their size and color. The bill would delete the existing requirement for display of the placards on the driver's side of the dashboard of the vehicle. The bill would allow only one placard per disabled person, but organizations and agencies transporting disabled persons could apply for a placard for each vehicle used for that purpose. The bill would authorize the department to cancel or revoke a placard in specified cases, and would impose a state-mandated local program by making it an infraction to fail to immediately return a canceled or revoked placard to the department.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 511 (SB 1405) Beverly. Escrow agents

Existing law provides that all moneys deposited in escrow are required to be deposited and maintained in a demand or checking account in a bank, except that such moneys may be deposited in an interest-bearing account in a bank or a state or federal savings and loan association and kept separate from funds belonging to the escrow agent.

This bill would provide instead that all moneys deposited in escrow shall be deposited and maintained in a noninterest-bearing demand or checking account in a bank, a state or federal savings bank, or a state or federal savings and loan association. Thereafter, it would authorize the deposit of escrow moneys in an interest-bearing account in a bank, a state or federal savings bank, a state or federal savings and loan association, or a state or federal credit union, if the depositor is qualified for membership under the bylaws of the credit union, and the moneys are kept separate from funds belonging to the escrow agent. The bill would also require the Commissioner of Corporations to adopt regulations, by emergency procedure, to implement and interpret these changes, to become operative July 15, 1984.

The bill would take effect immediately as an urgency statute but would become operative on July 1, 1984.

Ch. 512 (SB 1325) Ellis. Taxation: supplemental property taxes: sales tax permits. estimated income tax payments.

(1) Existing law requires each county, commencing with the 1983-84 property tax assessment year, to prepare supplemental assessment rolls and collect supplemental property taxes and pay refunds in a specified manner for real property which has been purchased or changes ownership or on which new construction is completed on or after July 1, 1983, and thereafter after the lien date. It provides that supplemental taxes are due upon the mailing of a supplemental tax bill and are delinquent on a specified date or dates thereafter, depending upon whether the supplemental taxes are payable in a single payment or in 2 installments.

This bill would provide that the supplemental taxes are payable in 2 equal installments which are due, respectively, on the date the bill is mailed and are delinquent on specified dates depending on the month the bill is mailed.

(2) Under existing provisions of the Sales and Use Tax Law, a tax generally is imposed on the retail sale of personal tangible property; however, no tax is imposed if the purchaser buys the property for the purpose of reselling it, as evidenced by a resale certificate. A person who knowingly issues a resale certificate while not actively engaged in business as a seller, for personal gain or to evade the payment of taxes, is liable for the taxes that would have been due on the transaction plus a 10% penalty.

This bill would instead provide alternatively that the person be liable for either the 10% penalty or \$500, whichever is greater.

(3) Under existing law, a person who for the purpose of evading taxes gives a resale certificate for property which the person knows at the time of purchase is not to be resold in the regular course of business is guilty of a misdemeanor and liable for the taxes that would have been due on the transaction.

This bill would provide, in addition, that the person be liable for either a 10% penalty or \$500, whichever is greater, for each purchase made for personal gain or to evade the payment of taxes.

(4) Existing Use Fuel Tax Law requires a user of fuel within this state to first secure a use fuel tax permit and permits the State Board of Equalization to assess a specified penalty against any person for a violation of that requirement and to enforce that penalty by lien on any vehicle of that person using fuel and by impounding that person's vehicle

This bill would permit a person subject to that requirement on January 1, 1984, to apply for a permit no later than either of 2 specified dates, whichever is later. It would preclude the assessment of the aforementioned penalty for any period between January 1, 1984, and the applicable date previously specified and would provide for the refund of any penalty so assessed and paid and for the extinguishment of any lien and the cancellation of any impounding costs in connection with any penalty so assessed and not paid

This bill would require the board, in conjunction with the Department of Motor Vehicles, to provide written notification to users of fuel of the aforementioned provisions relating to the securing of use fuel tax permits and the assessment of penalties. It also would require the Department of Motor Vehicles, at the time of registration, to notify in writing all purchasers of new vehicles or transferees of used vehicles of a kind which use that fuel of the aforementioned provisions

(5) Under the existing Use Fuel Tax Law, if the State Board of Equalization finds that a person's failure to make a timely return or payment is due to reasonable cause and circumstances beyond the person's control, and occurred notwithstanding the exercise of ordinary care and the absence of willful neglect, the person may be relieved of specified penalties

This bill would extend those provisions to the securing of a use fuel tax permit, as specified.

(6) Under the existing Use Fuel Tax Law, specified provisions relating to use fuel tax permits and returns and payments of use fuel tax do not apply to a user of fuel whose sole use of fuel in this state is for the propulsion of a commercial vehicle with unladen weight of less than 6,000 pounds.

This bill would change that exemption to apply instead to a user of fuel whose sole use of fuel in this state is for the propulsion of a commercial vehicle with unladen weight of less than 7,000 pounds.

(7) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by revising the duties of the county auditor and county tax collector regarding the collection of supplemental property taxes.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(8) This bill would take effect immediately as an urgency statute.

Ch. 513 (SB 1307) Johnson. Tahoe Transportation District.

Under existing law, for the purpose of the Transactions and Use Tax Law, the word "district" is defined as including specified entities, but not the Tahoe Transportation District.

This bill would include that district in the definition of "district" for the purpose of the Transactions and Use Tax Law.

The bill would take effect immediately as an urgency statute.

Ch. 514 (SB 377) Rosenthal. Gas and electrical corporations' property.

Under existing law, a public utility, including gas and electrical corporations, is required to charge only a just and reasonable rate for the rendering of any service, and the operations of a public utility are subject to the jurisdiction, control, and regulation of the Public Utilities Commission.

This bill would require the commission to review the status of any property owned by a gas or electrical corporation in the "plant held for future use account," as defined, at least once every 3 years or during a rate proceeding conducted by the commission, and would also require the commission to require that all gains from the sale of property held within that account and included in the determination of rates be allocated to the ratepayers, in a manner consistent with specified procedures.

Ch. 515 (AB 4009) Calderon. Immunity attorneys.

Existing law provides that there shall be no monetary liability on the part of, and no cause of action for damages shall arise against any physician and surgeon or podiatrist who is a member of specified underwriting committees, for any act or proceeding undertaken or performed in evaluating physicians and surgeons or podiatrists for the writing of professional liability insurance or for the writing of an interindemnity, reciprocal, or interinsurance contract, as specified, if the evaluating physician and surgeon or podiatrist acts without malice, has made a reasonable effort to obtain the facts upon which he or she acts, and acts in a reasonable belief that the action taken is warranted by the facts.

This bill would provide the same immunity for attorneys who are members of underwriting committees evaluating attorneys for the writing of professional liability insurance or the writing of interindemnity, reciprocal, or interinsurance contracts.

Existing law provides that there shall be no monetary liability or cause of action against any person for communicating information, relating to the evaluation of practitioners in the healing arts, to a hospital, hospital staff, professional society, peer review committee, podiatric schools, or certain other entities when the communication is intended to aid in the evaluation of the qualifications, fitness, character, or insurability of a practitioner of the healing arts or veterinary arts.

This bill would extend that immunity to communications made by a person to a professional staff when the communication is intended to aid in the evaluation of the qualifications, fitness, character, or insurability of a practitioner of law.

This bill would remain in effect only until January 1, 1990, and as of that date would be repealed, unless a later enacted statute deletes or extends this date.

This bill also makes additional changes proposed by AB 2634, to be operative only if

AB 2634 and this bill are both chaptered and become effective on January 1, 1985, and this bill is chaptered after AB 2634.

Ch. 516 (AB 3143) McAlister Counties. property disposition.

(1) Existing law prescribes numerous procedures and requirements for the sale, lease, or exchange of county-owned property.

This bill would provide that a county's failure to comply with certain prescribed procedures in the sale, lease, exchange, or other disposition of its real property does not invalidate the interest of any bona fide lessee, purchaser, or encumbrancer for value

(2) Under existing law, a county may lease its real property acquired prior to January 1, 1984, to private or governmental entities for cultural, residential, commercial, or industrial use or development, and may participate as a principal party in the development of cultural, residential, commercial, or industrial uses or development thereof as a public works project, and may contract for the management, marketing, operation, or leasing of its real property for purposes of cultural, residential, commercial, or industrial use or development, if the county board of supervisors makes specified determinations

This bill would make such authorization applicable to the sale of county property, as well as leases thereof, and in either case would require the county to comply with specified existing requirements regarding consistency with the general plan and existing requirements for disposing of surplus land. The bill would also make such authorization, including the authority to sell for such purposes, applicable to county property acquired in a specified manner after January 1, 1984. The bill would make those authorizations inapplicable to land which a county acquired by eminent domain.

Ch. 517 (AB 2661) Wright Public Utilities Commission hearings and proceedings

Under existing law, the Public Utilities Commission, in any proceeding involving an electrical, gas, or telephone corporation, assigns an administrative law judge to preside over the hearings either alone or assisting the commissioner or commissioners who will hear the case. The administrative law judge is required, within 90 days of the submission of the matter for decision, to prepare and file an opinion which becomes part of the record and constitutes the proposed decision. The commission, in issuing its decision, adopts, modifies, or sets aside all or any part of this proposed decision, and every finding, opinion, or order contained in the proposed decision and approved or confirmed by the commission is deemed to be the finding, opinion, or order of the commission. Existing law also permits the commission to specify that no opinion need be prepared by the administrative law judge in a proceeding involving an electrical, gas, or telephone corporation initiated by ratepayer or subscriber complaint.

This bill would make these provisions applicable to railroad and water corporations as well as to electrical, gas, and telephone corporations, but would exempt proceedings involving railroad and water corporations from the requirement that the administrative law judge prepare and file an opinion constituting the proposed decision within 90 days of submission of the matter for decision.

Ch. 518 (AB 2518) Tucker Peace officers

(1) Under existing law, specified peace officers, including security officers of the County of Los Angeles, have prescribed limited powers.

This bill would delete security officers of the County of Los Angeles from the category of peace officers with more limited powers and instead include safety police officers of the County of Los Angeles in that category. The bill would state that the intent of the Legislature in this regard is merely to rename the officers in question.

(2) The bill would incorporate additional changes to Section 830.4 of the Penal Code proposed by AB 2194, contingent upon the prior enactment of AB 2194.

Ch. 519 (AB 2276) McAlister Joint tenancies severance

Existing statutory law provides that a joint interest in property is one owned by two or more persons in equal shares and describes how such an interest is created.

This bill would provide that a joint tenant may sever a joint tenancy in real property as to his or her interest without the consent of the other joint tenants by (1) execution and delivery of a deed that conveys legal title of the interest to a third person, or (2)

execution of a written instrument that evidences the intent to sever the joint tenancy, including a deed that names the joint tenant as transferee, or of a written declaration that the joint tenancy is severed as to the interest of that joint tenant. The bill would provide that it does not authorize severance contrary to a written agreement of the joint tenants. These provisions would apply to all joint tenancies in real property, whether the joint tenancy was created before, on, or after January 1, 1985, but would not affect the validity of a severance in the case of the death of a joint tenant before January 1, 1985.

Ch. 520 (AB 1797) W. Brown. Charters: amendment or repeal.

Under existing law, a proposal, initiated by electors, to amend or repeal the charter of a city and county is required to be submitted to the voters at an election to be held not less than 40 nor more than 60 days following newspaper publication of the proposal.

Another provision of existing law requires the governing board of a city, or city and county to cause a proposed charter amendment or repeal to be published within 15 days after issuing the order calling an election on the proposal.

This bill would delete the above requirements and would require the governing body of a city, or city and county to cause a proposed charter amendment or repeal to be published not less than 40 nor more than 60 days prior to an election on the proposal. The bill would make applicable to a city and county certain procedures which presently apply to amending or repealing the charter of a city.

Ch. 521 (AB 1245) Elder. Public school employment.

Existing law requires the governing board of any school district or community college district with an average daily attendance of more than 400,000 and which includes within its boundaries a chartered city with a charter that requires fixing wages and salaries based on prevailing wages rendered to private employers, to use the same standard when fixing the compensation of classified employees of the district.

This bill would repeal these provisions.

Existing law provides that one member of the personnel commission of a school district or a community college district shall be nominated by an organization of classified employees which represents the greatest number of classified employees, as determined by the board.

This bill would instead provide that one member of the personnel commission of a school district or a community college district shall be nominated by an exclusive representative which represents the largest number of noncertificated employees in a unit or units within the district.

Existing law provides that the budget for the first year of the personnel commission of a school district or a community college district shall be determined by the governing board, and permits the board to advance funds for the establishment of the work of the commission.

This bill would repeal these provisions.

Existing law requires the personnel commission of a school district or a community college district to classify all employees and positions not exempt from the classified service, and defines the term "to classify" for these purposes. The definition of the term "to classify" would be repealed on January 1, 1988.

This bill would delete the January 1, 1988 repeal of the term "to classify."

Existing law provides that, until January 1, 1988, the rules of a personnel commission of a school district or a community college district shall not apply to bargaining unit members if the subject matter is within the scope of representation for purposes of employer-employee relations, and is included in a negotiated agreement between the governing board and that unit.

This bill would delete the January 1, 1988 repeal of these provisions.

Existing law specifies that, until January 1, 1988, the personnel commission of a school district or a community college district shall supervise the activities of those employees that are performed as part of the functions of the commission, and that these employees have the right to be included within representation by the appropriate exclusive representative, if any.

This bill would delete the January 1, 1988 repeal of these provisions.

Existing law requires that in a school district or community college district which adopted a merit system prior to September 17, 1965, appointments be made from the

first 3 applicants on the eligibility list, provided that one of the top two is a relative of an existing employee, or one is the parent or legal guardian of a student.

This bill would repeal these provisions

Existing law provides that specified classified employees of a school district or a community college district who took a voluntary demotion in lieu of layoff and continued to be in that status on September 23, 1974, are entitled to specified rights and benefits provided by 1972 legislation

This bill would repeal these provisions.

This bill would impose a state-mandated local program by deleting the repeal of previous state-mandated local programs, thereby extending their effect indefinitely.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch 522 (AB 861) Konnyu Public social services.

Existing law provides for various employment training and assistance programs to help recipients under the Aid to Families with Dependent Children (AFDC) program.

The bill would provide that the State Department of Social Services shall seek all federal waivers necessary for implementation of a Work Incentive Demonstration Program.

The bill would provide that county welfare departments shall be responsible for registering recipients under the program, and that employment training services would be provided by the Employment Development Department under a contract with the State Department of Social Services.

This bill would also permit the State Department of Social Services to seek, if necessary, a federal waiver for implementation of an AFDC grant diversion program, utilizing employment with both nonprofit and for-profit employers. This program would not, however, be implemented unless authorizing legislation is adopted.

This bill would take effect immediately as an urgency statute.

Ch. 523 (AB 4020) O'Connell. Agricultural preserves.

(1) Existing provisions of the Williamson Act provides for the continuation of an agricultural preserve following annexation, incorporation, or disincorporation of land within the preserve, and establishes specified rights and responsibilities of any city or county acquiring jurisdiction over land in a preserve by annexation, incorporation, or disincorporation.

This bill would specify that an agricultural preserve shall continue in effect following the detachment of land within the preserve and would impose a state-mandated local program by requiring any city or county acquiring jurisdiction over land in a preserve by detachment to perform those rights and responsibilities.

(2) Existing provisions of the Budget Act of 1983, as revised, appropriated \$1,099,071,000 from the General Fund for local assistance tax relief, with \$278,400,000 allocated for personal property tax relief and \$13,000,000 allocated for open-space subventions. Those provisions also preclude the augmentation of the allocation for open-space subventions.

This bill would reduce the personal property tax relief allocation by \$530,000 and increase the open-space subvention allocation by the same amount. This bill would also eliminate the provision precluding the augmentation of the allocation subventions.

† (3) Existing provisions of the Budget Act of 1984 appropriates \$847,786,000 from the

† Amendment to Item 9100-101-001 of the Budget Act of 1984, and provisions applicable thereto, in Section 3 of chapter deleted by action of the Governor.

General Fund for local assistance property tax relief, with \$13,200,000 of that amount allocated to open-space subventions. Those provisions also preclude the augmentation of that allocation for open-space subventions.

This bill would eliminate the provision precluding the augmentation of that allocation.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(5) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(b) This bill would take effect immediately as an urgency statute.

Ch 524 (AB 2693) Farr Teacher credentialing. preliminary credentials. out-of-state teachers.

Existing law authorizes the Commission on Teacher Credentialing to approve any institution of higher education whose teacher education program meets the standards prescribed by the commission, to recommend to the commission the issuance of credentials to persons who have successfully completed those programs. Existing law authorizes the commission to approve for credit any coursework completed for credential purposes or step increases in programs offered in California by accredited out-of-state institutions of higher education, as specified.

This bill would prescribe minimum requirements for the issuance of preliminary and clear multiple and single subject teaching credentials for out-of-state applicants.

This bill would require the commission to assess the records of out-of-state teachers who have been granted a five-year preliminary credential for purposes of determining any additional coursework which may be required for the issuance of a clear credential, in accordance with prescribed requirements to be followed by the commission.

Ch 525 (AB 2629) Bronzan. Nursing.

Existing law prohibits any person from holding himself or herself out as a nurse practitioner unless he or she meets standards established by the Board of Registered Nursing and requires the board to establish standards for nurse practitioners.

This bill would require any registered nurse who is holding himself or herself out as a nurse practitioner, or who desires to hold himself or herself out as a nurse practitioner, to submit specified credentials and information to the board for it to determine if the person qualifies to use the title "nurse practitioner" pursuant to standards established by the board. This bill would require the board to issue a certificate to each qualified person, as specified.

Existing law authorizes the Board of Registered Nursing to fix a fee of not more than \$50 for an evaluation of a nurses qualifications to use the title "nurse practitioner."

This bill would authorize the board to fix the fee for that evaluation at an amount necessary to cover the actual cost to the board of the evaluation but in no event at more than \$150.

Ch 526 (AB 2602) Allen Fish and Game Commission. regulations.

(1) Under existing law, the Fish and Game Commission is authorized to regulate the season, bag limits, and methods of taking for sportfishing and hunting and, to a limited extent, commercial fishing. The procedure for the adoption of fishing and hunting regulations by the commission is provided by statute. Emergency regulations are authorized to be adopted by the commission under its regulatory authority to open or close inland waters for the taking of any species of fish, notwithstanding the general requirements for prior notice and hearing and the general requirements for a specified review by the Office of Administrative Law before the adopted emergency regulations are

effective.

This bill would repeal the exception to the general prior notice, hearing, and review of emergency regulations of the commission before they become effective. The bill, also, would authorize the commission, when promulgating regulations pursuant to any authority otherwise vested in it by the Fish and Game Code, to adopt, after at least one hearing, any emergency regulation or order of repeal, as specified, if it makes either of the findings specified in the bill. The emergency regulations would expressly be subject to the other requirements of existing law for review by the Office of Administrative Law, as specified

(2) Under existing law, before the Fish and Game Commission may authorize the taking of elk or antelope, the commission is required to hold a public hearing, after specified notice, in the county where the hunting is to be permitted.

This bill would repeal the requirement for the hearing to be in the affected county.

Ch 527 (AB 2255) McAlister. Death: establishing the fact.

Existing law generally provides for a procedure authorizing a court to act ex parte on the petition of a person having an interest in real or personal property to establish the fact of death of a person, where the death affects an interest of that person in the property

This bill would repeal and reenact those provisions to additionally authorize the use of an affidavit procedure to establish the fact of death by recording the evidence of death in the county where the property is situated for the purpose of clearing real property titles, as prescribed. This bill would mandate a new program or higher level of service on local government by imposing new duties on the county recorder

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 528 (AB 3629) Leonard. County highways.

Existing law sets forth various provisions governing contracts for the construction, repair, or maintenance of county highways.

Specifically, the law provides that whenever the board of supervisors finds that the estimated expense of any necessary work upon a county road exceeds \$20,000, the board shall order definite surveys of the proposed work to be made and shall direct the preparation of profiles, cross sections, plans, and specifications. In addition, the board shall publish a notice calling for sealed bids and award the contract to the lowest responsible bidder.

Existing law also provides that whenever the board of supervisors finds that the estimated expense of any work to be done upon any county highway is \$25,000 or less, the board or the purchasing agent may let the contract, as specified, or purchase the materials and do the work by day labor without calling for bids.

This bill, in addition, would provide that notwithstanding any other provision of law governing county highway contracts, in any county containing 20,000 or more square miles and in which there are more than 4,000 miles of county-maintained road, whenever the board finds that the estimated expense of any work to be done upon any county highway is \$50,000 or less, the board or the purchasing agent may have the work done by contract upon notice describing the work in general terms and stating a closing date for submission of bids. Notice shall be published in a newspaper of general circulation printed and published within the jurisdiction of the county. Notice shall be published in accordance with Section 6066 of the Government Code and shall be completed at least 48 hours before the time scheduled for opening of the bids. Notice inviting bids may also be published in a trade publication. The successful bidder shall give a bond in such sum as the board requires, conditioned on the faithful performance of the contract, and on the payment of all labor employed and material used in the work. The board may delegate this authority to the county road commissioner.

Ch. 529 (AB 3621) Lancaster. Collection agencies: fees.

Existing law sets forth a schedule of fees to be fixed by the Director of Consumer Affairs and charged in the administration of collection agencies.

This bill would revise that fee provision to provide for increased and statutorily fixed fees.

The bill would take effect immediately as an urgency statute.

Ch. 530 (AB 3560) Wyman. Oil and gas geothermal energy operations: enforcement: civil penalties.

Under existing law, any person violating provisions of law regulating the drilling, operation, maintenance, and abandonment of oil and gas and geothermal energy wells may be liable, in lieu of the specified penalties for a misdemeanor, for a civil penalty not to exceed \$500 for each violation.

This bill would increase those civil penalties to not more than \$5,000 and would provide for the penalties to be imposed by an order of the State Oil and Gas Supervisor, rather than by a civil action brought by the Attorney General upon the request of the supervisor. The bill would provide review and collection procedures for the imposition of the penalties and would provide that the civil penalties are in addition to, rather than in lieu of, any other penalty provided by law for the violation.

The bill would be applicable to violations occurring on or after January 1, 1985.

Ch. 531 (AB 3550) Campbell. Fish and game: county propagation fund

Under existing law, half of the fines and forfeitures imposed or collected for specified fish and game violations are required to be deposited in the Fish and Game Preservation Fund and half in the county treasury. Half of the amounts paid to the county treasury are required to be deposited in a county fish and game propagation fund and may be used for specified fish and game related purposes.

This bill would prohibit the funds in the county fish and game propagation fund from being expended for the protection or preservation of domestic livestock or poultry or for predator control unless the action is undertaken to benefit wildlife.

Ch. 532 (AB 3420) Molina. Motor vehicle fuel: gallon-to-liter conversion table.

Existing law makes it a misdemeanor for any person who sells motor vehicle fuel by the liter to fail to also display a gallon-to-liter conversion table showing quantity and price equivalents. This provision is scheduled to remain in effect until January 1, 1985, and on that date be repealed.

This bill would delete the repeal date for the above provision. The bill would impose a state-mandated local program by requiring cities and counties to provide an increased level of law enforcement.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 533 (AB 3402) Felando. Fish processing.

(1) Existing law prohibits selling or purchasing fish or amphibia taken in or brought into the waters of this state, or brought ashore at any point in this state, under a sport fishing license, or to possess more than one daily bag limit of any fish taken under a sport fishing license.

It is also a misdemeanor to buy, sell, or possess in any place of business where fish are bought, sold, or processed any fish or amphibia taken on any boat, barge, or vessel which carries sport fishermen. However, existing law provides that any cannery or packing plant in which fish taken under a sport fishing license are canned are required to mark the cans, as specified, and prohibits sale, offer for sale, or purchase of the canned fish. Similar provisions apply to striped bass or parts thereof.

This bill would, notwithstanding that existing law, authorize a fish canner or processor to process, use, or sell offal from fish taken under a sport fishing license under specified conditions.

Ch. 534 (AB 3236) Elder. Gas customers: alternative fuels.

Existing law prohibits the Public Utilities Commission from requiring industrial gas customers using gas to generate steam for enhanced crude oil recovery or for cogeneration to maintain any alternative fuel capacity.

This bill would revise these provisions to instead prohibit the commission from requiring industrial or commercial gas customers to maintain any alternative fuel capability with respect to equipment which uses gas to generate steam for enhanced crude oil recovery or which uses gas for purposes of cogeneration.

Ch. 535 (AB 3190) Costa Witnesses.

Existing law allows specified persons who are witnesses in a criminal case to state their business rather than residential address, except as specified.

This bill would include an employee of the county welfare department or department which administers the county public social services program within that category of persons.

Ch 536 (AB 3151) Sebastiani. Schools: pupils. suspension and expulsion.

Existing law prescribes the causes for which pupils may be suspended from school or recommended for expulsion including, among other causes, a finding that the pupil has unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined.

This bill would include the unlawful possession of drug paraphernalia as a cause for suspension or expulsion.

Ch 537 (AB 2972) Connelly. Unemployment: referees: administrative law judges.

Existing provisions of the Unemployment Insurance Code contain numerous references to "referee."

This bill would change "referee" to "administrative law judge" in these provisions.

Ch 538 (AB 2295) McAlister. Creditor's remedies

(1) Existing law provides that each municipal and justice court has original jurisdiction of civil cases and proceedings in, among other actions, all actions to enforce and foreclose liens of mechanics, materialmen, artisans, laborers, and all other persons to whom liens are given under provisions relating to mechanics' liens, as specified, where the amount of the liens is \$15,000 or less.

This bill would extend the jurisdiction of the municipal and justice courts to include actions to enforce and foreclose assessment liens on a condominium, where the amount of the liens is \$15,000 or less.

(2) Under the existing Attachment Law and the Enforcement of Judgments Law, a creditor who seeks to levy on a deposit account or a safe-deposit box which stands in the names of both a debtor and a third person or in the name of a third person is required to furnish an undertaking to the financial institution at the time of levy. Existing law also imposes specific obligations and notice requirements upon financial institutions which receive such undertakings.

This bill would eliminate the requirement of furnishing an undertaking as a prerequisite to levying on such deposit accounts and safe-deposit boxes and instead would authorize levying on deposit accounts and safe-deposit boxes standing in the name of a person other than the defendant only pursuant to court order, except as specified, and subject to specified notice requirements. The bill would also revise various related provisions to reflect this change. The bill would also provide that in any case where a deposit account in the name of a person other than the defendant or the judgment debtor, as the case may be, is levied upon, the financial institution shall not pay the levying officer the amount levied upon until notified to do so by the levying officer and that such payment may not be required by the levying officer until the expiration of 15 days after service of notice of attachment or levy on the third person.

Under the existing Attachment Law, an attaching plaintiff may apply to the proper court to examine a third person having possession or control of property in which the defendant has an interest or is indebted in an amount exceeding \$250. Under the Enforcement of Judgments Law, a judgment creditor may apply to the proper court for an order requiring the judgment debtor to appear and furnish information to aid in the enforcement of the money judgment. Both of these laws provide for appearance for examination by a corporation, partnership, association, trust, or other organization.

This bill would provide that under the Attachment Law and the Enforcement of

Judgments Law, a corporation, partnership, association, trust, or other organization, whether or not a party, may appear at an examination through any authorized officer, director, or employee, whether or not the person is an attorney.

(3) Existing law provides that if a plaintiff has obtained a right to attach order and the defendant is a party to a pending action or special proceeding, the plaintiff may obtain a lien under the Attachment Law on any cause of action of the defendant for money or property that is the subject of the other action or proceeding and on the rights of the defendant to money or property under any judgment subsequently procured in the other action or proceeding.

This bill would provide that a lien may be obtained on any cause of action of the defendant for money or property that is the subject of the other action or proceeding, if the money or property would be subject to attachment if the defendant prevails in the action or proceeding. The bill would also provide that a lien may be obtained on the rights of the defendant to money or property under any judgment procured in the other action or proceeding, if the money or property would be subject to attachment.

The bill would also require the plaintiff to file a court order permitting creation of the lien, as specified, and would prescribe additional related requirements and procedures. The bill would also establish a procedure for claiming an exemption from attachment for all or any portion of money or property that the defendant may recover in the action or special proceeding.

(4) Existing law prescribes the requisite form for a writ of execution, writ of possession of personal property, writ of possession of real property, and a writ of sale, until these forms are superseded by forms prepared by the Judicial Council.

This bill would delete these provisions.

(5) Existing law provides that with certain exceptions, all property of a judgment debtor is subject to enforcement of a money judgment.

This bill would provide that if property of the judgment debtor was attached in the action but was transferred before entry of the money judgment in favor of the judgment creditor, the property is subject to enforcement of the money judgment so long as the attachment lien remains effective.

(6) Existing law specifies the priority of a judgment lien on personal property

This bill would revise the provisions for the priority of a judgment lien on personal property

(7) Existing law specifies the duties and liabilities of various third persons after levy.

This bill would specify that once a final money judgment has been levied upon and the judgment debtor served, payments due under the money judgment shall be made to the levying officer, and payments made to anyone else do not discharge the obligation.

(8) Existing law specifies the redemption price of real property sold subject to the right of redemption.

This bill would add to the redemption price the amount of the purchaser's lien, if any, which is subordinate to the lien under which the property is sold, plus interest thereon.

(9) Existing law does not specifically continue the protection of a declared homestead from any creditor having an attachment lien, execution lien, or judgment lien on a homestead, after the death of the homestead owner.

This bill would continue such protection if, at the time of death, the dwelling was the principal dwelling of a surviving spouse of the decedent or a member of the family of the decedent, to whom all or a part of the interest of the deceased declared homestead owner passes.

(10) Existing law does not authorize a registered process server to issue an earnings withholding order in the case of a wage garnishment.

This bill would so authorize

(11) Existing law provides that if a bond is given in an action or proceeding, the beneficiary is required to object within 10 days of service of a copy of the bond on the beneficiary or the objections are waived except upon a showing of changed circumstances.

This bill would provide that a beneficiary may make a late objection upon a showing of good cause.

(12) Existing law provides that the fee for serving and filing notices of attachment of the interest of a defendant in the estate of a decedent is \$14 for serving the personal representative of the decedent, and \$14 for filing a copy of the writ of attachment and

notice with the county clerk.

This bill would repeal these provisions.

This bill makes conforming changes.

This bill would incorporate additional changes in Sections 86, 488 080, and 699.080 of the Code of Civil Procedure, proposed by AB 2260, AB 2400, SB 1344, or AB 2983, contingent upon the prior chaptering of one or more of the other bills, as specified.

Ch. 539 (SB 1433) Garamendi. Agricultural and animal quarantines.

(1) Under existing law, it is an infraction for the first offense and a misdemeanor for any subsequent offense for the operator of any vehicle to fail to stop at an agricultural inspection station or upon demand of a plant quarantine officer or an officer of the California Highway Patrol for the purpose of determining whether any agricultural quarantine is being violated.

This bill would also prohibit a person from willfully avoiding an inspection station and would increase the punishment for a violation of any of the above-stated provisions to a misdemeanor for the first and every subsequent offense.

(2) Under existing law, the Director of Food and Agriculture is authorized to establish any quarantine regulations that may be necessary to circumscribe and exterminate any contagious, infectious, or transmissible disease which affects domesticated animals within the state.

This bill would prohibit the operator of any vehicle from failing to stop upon demand of a clearly identified animal health quarantine officer when the officer orders the operator to stop for the purpose of determining whether the quarantine is being violated and the officer has reasonable cause to believe that the vehicle is being used in connection with a quarantine violation.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by creating a new crime.

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 540 (AB 1153) McAlister. Health care.

Under existing law, the Knox-Keene Health Care Service Plan Act of 1975 provides for the regulation of certain health care service plans.

This bill would declare the Legislature's intent with respect to certain malefactors and would make technical changes in the section making legislative findings with respect to the Knox-Keene Health Care Service Plan Act of 1975.

Existing law provides that for a health care service plan contract, policy of disability insurance, self-insured employee welfare benefit plan, or hospital service plan contract, that is licensed in California and that provides coverage solely for California residents but may be written or issued for delivery outside of California, if benefits are provided within the scope of practice of a licensed clinical social worker, licensed registered nurse, as specified, or a marriage, family, and child counselor, there shall not be deemed to be a prohibition against selecting that licensee in California to perform services in California even though the licensee is not licensed in the state where the contract or policy is written or issued for delivery.

This bill would provide for those plans, contracts, and insurers that there is not to be deemed to be a prohibition against a person selecting one of those licensees who are licensed in California to perform services in California if the plan, contract, or insurer provides coverage which includes California residents, as specified.

Ch. 541 (SB 2336) Foran. Loans of property to museums

Existing law contains comprehensive provisions regarding the loan of property to a museum for an indefinite period or for a term in excess of 7 years. It provides that a lender who is not given notice by a museum that the museum intends to terminate a loan, and who proves that the museum received a notice of intent to preserve an interest in the loaned property within the 25 years immediately preceding the filing of an action

to recover the property, may recover the property or the value of the property, as specified

This bill would alter the time period relative to the above-specified condition that the museum shall have received a notice of intent to preserve an interest in the loaned property by providing that the notice of intent to preserve shall have been received within 25 years immediately preceding the date on which the lender's right to recover the property otherwise expired, as specified

This bill would take effect immediately as an urgency statute.

Ch. 542 (SB 1389) Foran. Vehicles: size, weight, and combinations.

(1) Existing law defines the term "trailer," as used in the Vehicle Code, to include a semitrailer supported in part by an auxiliary dolly, as specified.

This bill would include semitrailers in the definition of "trailer" when used in conjunction with an auxiliary dolly, as specified, but the application of this portion of the definition of trailer would be restricted to provisions of the Vehicle Code relating to vehicle size, weight, and load.

(2) Existing law prohibits specified vehicle combinations that include a semitrailer from exceeding 60 feet in length

This bill would repeal that restriction, thereby allowing these vehicle combinations up to 65 feet in length. These changes would not be operative unless AB 1309 is enacted.

(3) Combinations of vehicles consisting of a truck tractor and semitrailer or truck tractor, semitrailer, and trailer, when operated on the National System of Interstate and Defense Highways, specified portions of federal primary-aid highways, and designated access thereto, are exempt from the requirement that the load on the combination may not exceed 75 feet or, if the combination exceeds 75 feet in length, extend beyond the exterior dimensions of the vehicles.

This bill would impose a state-mandated local program by creating a new crime by imposing the above requirement on these vehicle combinations. The bill would extend the above provision to these vehicle combinations when operated on specified portions of federal-aid urban system highways. The bill would revise the definition of "terminal" for purposes of provisions relating to access routes for these vehicle combinations.

(4) Existing law makes it a misdemeanor to drive a vehicle on a state highway, bridge, causeway, viaduct, trestle, or dam constituting part of a highway, if the vehicle's weight exceeds the maximum amount the structure will sustain or safely sustain. This offense is punishable by imprisonment in the county jail for not more than 6 months, by a fine of not more than \$1,000, or both.

This bill would revise the penalty for these offenses to make them punishable in accordance with the schedule of fines for overweight vehicles. Under the bill, therefore, these weight violations under 4,501 pounds would be infractions.

(5) Existing law makes weight violations involving vehicles misdemeanors, except where the excess weight is less than 4,501 pounds, in which case the violation is an infraction

Under existing law, it is a misdemeanor to transport an extralegal load which is oversize without a permit, as specified. Existing law also makes it a misdemeanor to violate the terms and conditions of a special permit authorizing oversize, overweight, or otherwise restricted vehicles or loads on the highways.

This bill would make it a separate misdemeanor to transport an extralegal load on a highway, or to cause or direct the operation of or operate a vehicle on the highway requiring a special permit, without having obtained the permit. The bill would also make the schedule of fines for weight violations applicable to vehicle operation in excess of the weight authorized under such a special permit. By creating and revising these criminal penalties, the bill would impose a state-mandated local program.

(6) Existing law specifies a schedule of fines for weight violations. Existing law requires the court to exercise discretion in imposing fines for a weight violation of less than 1,000 pounds if the vehicle load is entirely unprocessed bulk agricultural or forest products being transported from the field to the first point of processing or handling.

This bill would require the court to do likewise if the vehicle load is livestock.

(7) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Depart-

ment of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 543 (SB 1318) Marks. Cities: petition to incorporate.

Existing law includes separate procedures for the incorporation of new cities (Municipal Organization Act of 1977) and for the reorganization of special districts (District Reorganization Act of 1965). The 2 acts prescribe different signature requirements for initiating proceedings by petition. The signature requirements prescribed by the district act have been held to be controlling when a proposed district reorganization includes a proposal to incorporate a new city.

This bill would, with a specified exception, make the petition signature requirements prescribed by the municipal organization act applicable to any proceeding conducted pursuant to the district reorganization act which includes a proposal for the incorporation of a new city.

Ch. 544 (AB 3665) Molina. Communications equipment: advertising.

(1) Existing law requires persons advertising and selling new or reconditioned telephone handsets, keysets, or private branch exchanges, as specified, to include certain information in the advertising and declares that a violation of these prohibitions is unfair competition and enforceable civilly. Existing law exempts from these requirements institutional advertising directed to a general audience, the advertising of equipment not intended for direct connection to a telephone corporation's central office, a telephone corporations' advertising of sales of used equipment located on a customer's premises, and catalogs and equipment packages for telephone equipment which are in print or in physical production on or before November 1, 1983.

This bill would repeal the exemption for advertising by a telephone corporation for a sale of used equipment and would additionally exempt from these provisions advertising by radio and television if the advertising includes a toll-free number by which potential buyers may speak with a trained sales representative and if the text of the disclosure statement which the representative would be required to provide the potential buyer is filed by the advertiser with the Director of Consumer Affairs, as specified

(2) Existing law requires persons operating automatic dialing-announcing devices, as defined, to use the devices only in accordance with specified provisions.

This bill would additionally require any person advertising or offering for sale automatic dialing-announcing devices to specify on all advertising and in the instruction manual or other information included with the equipment that the equipment may be operated in California only in accordance with certain provisions of the Public Utilities Code. The person would be required to provide a copy of those provisions to each purchaser, and to each prospective purchaser upon request.

Ch. 545 (AB 2847) Stirling. Secretary of State. distribution of deposits.

Existing law provides for the maintenance of certain deposits or bonds filed in favor of the Secretary of State for the benefit of specified persons with respect to provisions regulating invention developers, dance studios, discount buying organizations, and seller-assisted marketing plans

This bill would provide for the holding for payment of all claims against such deposits which are submitted within 240 days of the first claim until the end of the 240-day period and for subsequent 240-day holding periods, as specified. If claims are greater than the deposit, proportionate amounts would be disbursed until the deposit account is exhausted.

The bill would provide that deposits in lieu of bonds are not subject to attachment, garnishment, or execution with respect to actions against the regulated entities, with specified exception.

The bill would state legislative intent.

Ch. 546 (AB 2760) Areias. Youth Authority.

Existing law delineates a procedure for the extended detention of persons under the control of the Youth Authority on the basis that the discharge of the person would be

physically dangerous to the public because of the person's mental or physical deficiency, disorder, or abnormality. The procedure is initiated by the board, through its chairman, making application to the committing court for an order directing that the person remain subject to the control of the authority beyond the time he or she otherwise would be discharged. If the person is ordered so returned following a hearing by the court, the person, or his or her parent or guardian on the person's behalf, may file a written demand that the question of his or her physical danger to the public be tried by a jury, such a trial is required to be had as provided by law for the trial of civil cases and requires a verdict by at least $\frac{3}{4}$ of the jury.

This bill would (1) provide that the procedure shall be initiated by the board, through its chairman, requesting the prosecuting attorney to petition the committing court for such an order, and would require the prompt notification of the board by the prosecuting attorney of a decision not to prosecute, thus establishing a state-mandated local program, and (2) provide that a person whose detention is requested to be so extended is entitled to all rights guaranteed under the federal and state constitutions in criminal proceedings, as well as requiring a unanimous jury verdict, employing the standard of proof beyond a reasonable doubt, thus establishing a state-mandated local program.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

Ch. 547 (AB 3237) O'Connell Community college districts: cooperative agencies resources for education programs

Existing law authorizes the Chancellor of the California Community Colleges, in cooperation with the State Department of Social Services and the State Employment Development Department, to contract with community college districts which have cooperative agencies resources for education programs for the purpose of providing additional funds for support services, as specified.

This bill would specifically require these contracts to be with community college districts which, prior to July 1, 1984, established cooperative agencies resources for education programs.

This bill would state the intent of the Legislature to fund cooperative agencies resources for education programs in the Budget Act of 1984.

Ch. 548 (AB 2212) Lancaster Escrow agents.

Under the existing Escrow Law, all officers, directors, trustees, and employees of an escrow agent who in the regular discharge of their duties have access to money or negotiable securities belonging to, or in the possession of, the escrow agent, or persons who draw checks upon the escrow agent or upon the trust funds of the escrow agent in the regular discharge of their duties, are required to furnish the escrow agent a bond indemnifying the escrow agent against loss of money or property. The Commissioner of Corporations is required to prescribe the amount of the bond of each individual employee, officer, director, or trustee. Existing law also specifies that a deposit given in the place of a bond shall not be deemed an asset of the applicant or licensee for the purposes of complying with the tangible net worth requirements of the Escrow Law.

This bill would eliminate the requirement that the Commissioner of Corporations prescribe these individual bond amounts and would delete the provision with respect to a deposit given in place of a bond.

The bill would also require the Commissioner of Corporations to adopt rules setting forth qualification requirements for an officer, director, trustee, or employee to be

complied with prior to his or her assumption of duties, access to money or negotiable securities, or authorization to draw checks upon the escrow agent, and would require a fee, as specified, for the filing of a notice or report required by these rules. These rules would be required to become operative on or before January 15, 1985.

The bill would further provide that the aggregate liability of a surety for all claims shall not exceed the penal sum of the bond, and that the commissioner may require, in his or her discretion, that an additional bond or surety be filed if the bond then in force is insufficient for any reason.

Existing law provides that the Commissioner of Corporations is required to assess a penalty on a delinquent assessment for an escrow agent's pro rata share of the costs and expenses of administering the Escrow Law, of 1% of the assessment for each month or part of a month that the payment is delayed or withheld.

This bill would increase the penalty to 10% of the assessment for each month or part of a month that the payment is delayed or withheld.

The bill would also revise the scope of guaranty of a member of the Escrow Agents' Guaranty Corporation, as specified.

Existing law provides that the Escrow Agents' Guaranty Corporation of California shall indemnify its members, that is, licensed escrow agents, against loss of trust obligations as a result of embezzlement, theft, or mysterious disappearance. Existing law provides that whenever the corporation is requested by a member to cover these losses, Guaranty Corporation shall first charge the requesting member's guaranty fund account and then to the extent the account is insufficient to satisfy the claim, charge the guaranty fund accounts of all members by an amount equal to the ratio of the member's guaranty fund account to the total of all members' guaranty fund accounts.

This bill would clarify the formula for assessing members of Guaranty Corporation to satisfy the balance owing on a requesting member's claim, by providing that the guaranty fund accounts of all members shall be assessed an amount determined by multiplying the balance of the claim by a number, the numerator of which is a member's guaranty fund account and the denominator of which is the total of all members' guaranty fund accounts.

The bill would make other related changes

Ch 549 (AB 3864) Tanner. Barbers

Existing law authorizes any member of the State Board of Barber Examiners, except the public members, to enter into and inspect any barbershop or college at any time during business hours or at any time when the practice of barbering or instruction in such practice is being carried on. Existing law also authorizes the board's agents or assistants to make such inspections.

This bill would expressly authorize the board's executive officer to make such inspections.

This bill would revise existing law to allow any member of the board, including the public members, to enter and ~~inspect~~ [visit]* any barbershop or college at any time during business hours or at any time when the practice of barbering or instruction in such practice is being carried on, and, would provide that where any member of the board is permitted to so enter and ~~inspect~~ [visit]*, such a visitation would not be used as a basis for any licensing disciplinary action by the board.

The bill would incorporate additional changes to Section 6509 of the Business and Professions Code, as proposed by AB 3623, if both bills are chaptered and this bill is chaptered last.

Ch 550 (AB 3859) McClintock Harbor districts indebtedness.

(1) Under existing law, the board of supervisors of a harbor improvement district may authorize the district to acquire, develop, operate, and maintain inland parks and recreation areas.

This bill would authorize the board of supervisors to manage the business of the district and promote the commercial interest of the harbor by advertisement and the solicitation of business and to organize, promote, conduct, and advertise the district park and recreation facilities and programs, as specified.

(2) Under existing law, a harbor district may borrow money for specified purposes. The amount borrowed at any one time may not exceed \$500,000, the term of the

indebtedness may not exceed 5 years, and the indebtedness is required to be authorized by a resolution adopted by unanimous vote of the board of commissioners.

This bill would increase the maximum amount of the indebtedness to \$1,000,000, provide for a maximum rate of interest of 12 percent, provide for a two-thirds vote of the board to authorize the indebtedness, and make other changes

Ch. 551 (AB 3852) Bates. Vector control: assessment and taxation

(1) Under existing law, a statement and map or plat is required to be filed with the State Board of Equalization and the local assessor by January 1 in order for newly formed local jurisdictions to exercise assessment and taxation authority for the fiscal year commencing on the following July 1.

This bill would provide that notwithstanding such filing deadlines, the formation of any county service area benefit assessment district, for vector control purposes, which was approved by the voters on or before June 5, 1984, is effective for assessment and taxation purposes for the 1984-85 fiscal year if the required filings are made prior to August 31, 1984.

(2) Under existing law, the existence of these county service area districts would not be recognized for assessment and taxation purposes during the 1984-85 fiscal year due to the required filings having been made after the statutory deadline.

This bill would impose a state-mandated local program upon the counties in which these new service areas have been formed by requiring them to allocate property tax revenues and conduct assessment and taxation proceedings earlier than they otherwise would.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(3) This bill would take effect immediately as an urgency statute

Ch 552 (AB 3906) Allen. Community care facilities

Under the existing California Community Care Facilities Act, the State Department of Social Services is required to adopt a method of evaluating the quality of care and services, including a rating scale to evaluate the facilities it licenses

This bill would repeal these provisions and, instead, require the department to develop, publish, and distribute a consumer guideline brochure relating to licensed community care facilities.

Ch 553 (AB 3753) Robinson. Talent agencies

Existing law provides, until January 1, 1985, that the activities of procuring, offering, or promising to procure recording contracts for an artist or artists shall not of itself subject a person or corporation to regulation and licensing under provisions requiring the Labor Commissioner to license and regulate talent agencies

Existing law also provides, until January 1, 1985, that no action or proceeding may be prosecuted under these provisions with respect to violations occurring more than one year prior to commencement of the action or proceeding, and that it shall not be unlawful for a person or corporation who is not licensed as a talent agency to act in conjunction with, and at the request of, a duly licensed and franchised talent agency in the negotiation of an employment contract

This bill would extend the above provisions from January 1, 1985, to January 1, 1986

Existing law requires the California Entertainment Commission to report to the Legislature and the Governor regarding a model bill relating to talent agency licensing not later than October 1, 1984, and repeals the provisions creating the commission on January 1, 1985

This bill would change the date for the report to the Legislature and the Governor from October 1, 1984, to January 1, 1986, and would extend the repeal of the provisions creating the commission from January 1, 1985, to January 1, 1986

This bill would take effect immediately as an urgency statute.

Ch 554 (AB 3161) Papan. Outdoor advertising.

The Outdoor Advertising Act prohibits, with exceptions, the compelled removal or limitation of use of any lawfully erected advertising display without payment of compensation when the removal or limitation is pursuant to or because of the law, ordinance, or regulation of any governmental entity.

This bill would specifically empower local entities to adopt ordinances or resolutions providing for relocation of displays.

Ch 555 (AB 3607) La Follette. Geologic hazard abatement district: emergency formation

Existing law authorizes the formation of geologic hazard abatement districts for paying the cost and expenses of, among other things, work to prevent, mitigate, abate, or control a geologic hazard, as defined, or to repair damages therefrom.

This bill would authorize the quick formation of a district comprised of an area within a city or county specially benefited by an improvement for those purposes and subject to a special assessment. The bill would specify that the district is not an entity separate and distinct from the local agency within which it is formed. The bill would establish the procedure to initiate the formation, and would provide for the formation of the district not less than 15 days after that initiation. The bill would require the board of supervisors of the county or the city council of the city in which the territory is located, upon presentation of a petition, to hold a hearing on the formation of the district. The bill would also specify the method of providing notice of the hearing on formation, and specify circumstances under which notice is not required. The bill would also require the legislative body of the city or county in which the district is formed to appoint itself as the board of directors of the district. The bill would only be applicable in a city or county which adopts an ordinance providing for its applicability in its jurisdiction.

The bill would take effect immediately as an urgency statute.

Ch 556 (AB 3141) Johnson. Brea-Olinda Unified School District.

Existing law provides for apportionments to school districts.

This bill would appropriate the sum of \$350,000 from the General Fund to Section A of the State School Fund for allocation by the Superintendent of Public Instruction as a loan to the Brea-Olinda Unified School District for the elimination of asbestos hazards in the district.

This bill would provide that if AB 2377 is chaptered and becomes effective, the Brea-Olinda Unified School District shall be eligible to receive an apportionment pursuant to specified provisions of AB 2377, which may be used by the district to repay the loan received pursuant to this bill.

This bill would take effect immediately as an urgency statute.

Ch. 557 (AB 2917) Wright. Licensing temporary licenses

Existing law provides for the licensing of athlete agencies, farm labor contractors, and talent agencies by the Labor Commissioner.

This bill would permit the Labor Commissioner, when processing of an application for a license has not been completed, to issue a temporary license for a period not exceeding 90 days, subject to the automatic and summary revocation by the commissioner.

Ch. 558 (AB 3759) Herger. Cattle protection fines

(1) Existing law does not define the term "shipper" for the purpose of laws relating to cattle identification.

This bill would state that for the purpose of these laws "shipper" means any person who transfers cattle from one geographical location to another thus increasing the types of cattle movements subject to these laws and imposing a state-mandated local program by creating a new crime.

(2) Under existing law, any person who uses an unrecorded, forfeited, or canceled brand is required to pay a penalty of \$100.

This bill would instead impose a penalty of \$100 for the 1st violation of this offense, a penalty of \$200 for the 2nd violation in the same 12-month period, and \$500 for a 3rd or subsequent violation in the same 12-month period. These fines would be deposited in the Department of Food and Agriculture Fund, which in this case is continuously appropriated to the Department of Food and Agriculture, thus resulting in an appropriation.

(3) Under existing law, a person shipping cattle or inspecting the cattle prior to

shipping who does not cut out or identify strays is liable for a penalty of \$50.

This bill would increase the penalty to \$100 for the 2nd violation in the same 12-month period, \$200 for the 3rd violation in the same 12-month period, and \$500 for the 4th or subsequent violation in the same 12-month period.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 559 (AB 2422) Clute. Plant quarantine inspection stations

(1) Existing law prohibits the operator of any vehicle from failing to stop at a plant quarantine inspection station, as specified.

This bill would prohibit the operator of a vehicle from intentionally routing the vehicle and traveling the route in order to prevent the vehicle from passing thru a plant quarantine inspection station.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by creating a new crime.

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 560 (SB 1451) Seymour Real estate licensees

Existing law provides for the qualifications and licensure of real estate brokers and sales persons. A real estate licensee who accepts funds from others in connection with a real estate transaction must place these funds into a neutral escrow depository, into the hands of his or her principal, or into a trust fund account, as specified. A violation of any of these provisions is punishable as a misdemeanor.

This bill would authorize a broker to deposit trust funds, at the request of the owner of the trust funds or of the principals to a transaction from which the broker received trust funds, in an interest-bearing account, as specified, it would provide that in order to establish such an account certain disclosures must be made to the person from whom the funds are received and the beneficiaries of the account and would prohibit the receipt by a broker or any person licensed to the broker of any interest from the account, thus establishing a state-mandated local program by creating new crimes.

The bill also would recast existing law to require a real estate broker who accepts funds belonging to others in connection with a real estate transaction to deposit all such funds which are not immediately placed into a neutral escrow depository or into the hands of the broker's principal into a trust fund account maintained by the broker, as specified. It would require a real estate sales person who accepts trust funds from others on behalf of the broker under whom he or she is licensed to deliver the funds to the broker, or, if so directed by the broker, to place the funds into the hands of the broker's principal, into a neutral escrow depository, or to deposit the funds into the broker's trust fund account, as specified.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 561 (AB 3471) N. Waters. Public utility districts services and commodities

(1) Existing law provides that charges for services or commodities furnished by a public utility district may be added to, and become part of, the annual assessment levied

upon the land upon which the commodity or service was used. Existing law also prohibits any district furnishing light, heat, water, or power from terminating residential service without 7 days' notice affording the customer opportunity for review and amortization of the charges.

This bill would authorize a public utility district to correct any violation of an ordinance of the district, including an ordinance fixing charges for furnishing commodities or services, and to petition the superior court for an injunction restraining that violation, or for an order stopping or disconnecting a service if the charges are unpaid.

The bill would impose a state-mandated local program by extending these service termination, review, and amortization requirements to districts which furnish means for the disposition of garbage, sewage, or refuse matter to residential customers.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 562 (AB 2280) Nolan. Taxes withholding notices.

Existing provisions of the Sales and Use Tax Law and the Personal Income Tax Law permit the State Board of Equalization and the Franchise Tax Board, respectively, by notice, to require various entities to withhold property of a delinquent taxpayer. The notice, to be effective, is required to state the amount due from the delinquent taxpayer and to be delivered to the branch or office where the property is held, with certain exceptions.

This bill would provide that certain depository institutions which withhold any deposit or other credits or personal property in which the delinquent taxpayer and another person or persons have an interest or held in the name of a third party or parties in which the delinquent taxpayer is ultimately determined to have no interest shall have no liability therefor to any of the persons who have an interest therein, except as specified.

This bill would, with a specific exception, require those depository institutions subject to a notice to withhold to provide written mailed notice, containing specified information, to each person named on any deposit, other credits, or personal property subject to the withholding. This bill would permit the depository institution to assess a reasonable service charge for providing the required notice to each person.

Ch 563 (AB 2315) Lancaster Insurance.

Existing law requires that licensure be applied for and renewed by filing a written application with the Insurance Commissioner. The application form is required to prescribe the disclosure of certain information as will aid the commissioner in determining whether the prerequisites for the license sought have been met.

This bill would additionally require the applicant to declare, under penalty of perjury, that the contents of the application are true and correct.

Existing law requires each application for licensure to contain the principal business address of the applicant.

This bill would also require each application for an individual license to contain the residence address and mailing address of the applicant, and, with respect to an application for an organization license, the application would be required to contain the principal business address and the mailing address of the applicant.

Existing law authorizes the commissioner to license as a variable contract agent a natural person named on a license of an organization licensed as a life and disability agent or as a life only agent and which is appointed by an admitted insurer required to register, as specified, with the Securities and Exchange Commission under the Federal Investment Company Act of 1940.

This bill would also provide for the licensing of a natural person named on a license of an organization licensed, as above, which is appointed by an admitted insurer which is required to register its variable policies or contracts with the Securities and Exchange Commission under the Federal Securities Act of 1933.

Existing law requires every administrator to maintain adequate books and records of

all transactions between it, insurers and insured persons, as specified. The commissioner has access to the books and records for the purpose of examination, audit, and inspection.

This bill would additionally authorize the commissioner, after notice and hearing, to promulgate reasonable rules and regulations specifying the manner and type of records to be maintained by administrators. It would also provide that a failure to keep or maintain the aforementioned books and records be grounds for the suspension or revocation of the certificate of registration of the administrator.

The bill would also make technical clarifying changes.

Ch. 564 (AB 2341) Lancaster. Insurance: surplus deposits.

Existing law regulating reciprocal or interinsurance exchanges provides that in estimating the financial condition of an exchange, the Insurance Commissioner shall allow as an admitted asset the surplus deposits of subscribers, except that where a premium deposit is unpaid for 90 days, the premium deposit shall be charged against the surplus deposit. It provides that the surplus deposits of subscribers shall not be charged as a liability. It defines "surplus deposits of subscribers" as premium deposits of subscribers over and above all charges of accounts.

~~This bill would delete the provision that if a premium deposit is unpaid for 90 days, the deposit shall be charged against the surplus deposits.~~

[This bill, with respect to the allowance of the surplus deposits of subscribers as an admitted asset, would instead provide that surplus deposits due and unpaid for a period not exceeding 90 days shall be allowed as admitted assets.]*

The bill would repeal the existing definition of "surplus deposits of subscribers" and, instead, define it as amounts; over and above any premium charges which are contributed by subscribers and which are used for funding the surplus of an exchange. It would provide that no subscriber shall have a secured or preferred claim arising out of surplus deposits. It would provide that all assets, including surplus deposits, shall be held for payment of claims of policyholders and creditors in preference to claims for withdrawal by a subscriber. It would impose requirements for withdrawal of surplus deposits, as specified. Additionally, this bill would exclude from the definition of "covered claims," as that term is used in the law relating to the California Insurance Guarantee Association, the surplus deposits of subscribers to a reciprocal or interinsurance exchange, as defined above.

Ch. 565 (AB 2383) Naylor. Real property: liens.

Existing law provides for the right of a person having an interest in property subject to a lien to redeem it from the lien, as specified.

This bill would provide that an option granted to a secured party by a debtor to acquire an interest in real property collateral takes priority as of its recording and is effective according to its terms, as specified.

Ch. 566 (SB 1815) Maddy. Horseracing: wagering

Existing provisions of the Horse Racing Law allow parimutuel wagering on horse races only during the time an association is licensed by the California Horse Racing Board to conduct a racing meeting, and only within the racing inclosure, except that the board may authorize an association conducting a racing meeting to accept wagers on out-of-state feature races if specified conditions are met.

This bill would give the board authority to authorize any licensed association to accept wagers on races comprising the Breeders Cup program and on feature races having a gross purse of more than \$50,000 if specified conditions are met. Any association accepting wagers on the Breeders Cup program races or feature races is required to deduct the same percentage deductions as the association conducting the racing meeting. The bill would require the deduction, all breakage, and unclaimed tickets to be distributed in a specified manner.

The bill would authorize an association conducting the racing meeting with the Breeder's Cup program, or conducting any other racing meeting, to allow out-of-state wagering on races comprising the Breeders Cup program or any other race, and would authorize the association to transmit live audio visual signals of the races or race programs. It would require the association to pay a state license fee equal to 10% of the amount received from the out-of-state wagering system if the authorization is for races

comprising the Breeders Cup program or a single race. The remaining amount received by the association would be distributed 50% as commissions to the association and 50% as purses to the horsemen.

The bill would take effect immediately as an urgency statute.

Ch. 567 (SB 2324) Hart Property taxes: assessment appeals boards: members

Under existing law, the board of supervisors of any county may by ordinance create assessment appeals boards for the county to equalize the valuation of taxable property within the county for the purpose of taxation. It provides that members of the assessment appeals board are appointed by the county board of supervisors, or, in the alternative, are selected by lot from among those nominated by the county board of supervisors.

This bill would permit, as specified, up to 2 members of a county board of supervisors to serve on an assessment appeals board

This bill would take effect immediately as an urgency statute.

Ch. 568 (SB 1786) Petris. Property taxation: assessment appeals boards

Existing law authorizes the board of supervisors of any county by ordinance to create 3-member assessment appeals boards for the county to equalize the valuation of taxable property within the county for the purpose of taxation.

This bill would authorize the board of supervisors to create 5-member assessment appeals boards, with the boards acting as 3-member panels designated from time to time, as specified.

Ch 569 (AB 1630) Konnyu. Aid to Families with Dependent Children. eligibility

Existing law provides for the county administered Aid to Families with Dependent Children (AFDC) program, under which needy families with dependent children are provided with cash assistance

Existing law provides that a family receiving aid under the AFDC program shall be eligible to receive an allowance for special nonrecurring needs caused by sudden and unusual circumstances beyond the control of the family.

This bill would provide that a family shall only be eligible for this special needs allowance after the family has used all available liquid resources.

The bill would also specify that the nonrecurring needs allowance would not be more than \$600 per event and that replacement of clothing and household equipment and emergency household needs shall be the only nonrecurring needs for which payment may be made.

The bill would provide that the State Department of Social Services shall notify AFDC applicants as to the availability of benefits for nonrecurring special needs

Existing law provides that a multiple dwelling shall be exempt from that property which is used to determine an AFDC applicant's eligibility, so long as the units not occupied by the applicant as his or her home are producing income consistent with their rental value

This bill would, instead, provide that the unit in the multiple dwelling occupied by the applicant as his or her home shall be exempt property for purposes of determining AFDC eligibility

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would create a state-mandated local program by providing for differing eligibility criteria for the nonrecurring special needs allowance.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for specified reasons.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch 570 (AB 2454) Klehs. Highway carriers: identifying symbols

(1) Under existing law, no highway or household goods carrier may operate without a certificate of public convenience and necessity or permit issued by the Public Utilities Commission and unless there is displayed on the vehicle a distinctive identifying symbol in the form prescribed by the commission.

This bill would impose a state-mandated local program by creating a new crime by requiring the motor vehicles of those carriers first registered in this state on or after January 1, 1985, to display the identifying symbol on both the left and right doors of the cab

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 571 (AB 2527) Lancaster. Environmental quality: notice documents.

Under the California Environmental Quality Act, lead public agencies, state and local, are generally required to prepare or cause to be prepared by contract, and certify the completion of, an environmental impact report on any discretionary project, as defined, that they propose to carry out or approve, which may result in a substantial, or potentially substantial, adverse effect on the environment or, if they determine that a proposed project will not have that effect, to adopt a negative declaration. Under the act, notices of project approval or determination and notices of completion of an environmental impact report are required to be filed with the Secretary of the Resources Agency.

This bill would, instead, require that those notices be filed with the Office of Planning and Research.

Ch. 572 (AB 3051) Goggin. Civil procedure.

Under existing law, the person causing the notice of the pendency of an action, other than in eminent domain, to be recorded is required to make service immediately upon each adverse party later brought into the suit by amendment of course or by amendment permitted by the court.

This bill would also require immediate service upon each adverse party later brought into the action by amendment upon the discovery of the true name of a defendant designated by a fictitious name.

Existing law provides that a demurrer is not waived by an answer filed, or an answer entered in the docket in the justice courts at the same time.

This bill would delete the reference to an answer entered in the docket in the justice court.

Existing law provides that, if a demurrer is sustained, the court may grant leave to amend the pleading and shall fix the time within which the amendment or amended pleading is filed, or entered in the docket.

This bill would delete the reference to an amendment or amended pleading being entered in the docket

Existing law concerning summary proceedings for obtaining possession of real property in cases of forcible entry or detainer or unlawful detainer requires the defendant to answer the complaint, answer an amended complaint or amend the answer in specified cases within 5 days.

This bill would add another case in which the time to amend the answer shall not exceed 5 days

Ch. 573 (AB 3644) Hauser Resources: fish: ocean ranching and salmon and steelhead restoration.

(1) Under existing law, until January 1, 1986, anadromous fish which have been reared in an aquaculture facility may be released and captured by a registered aquaculturist under a permit granted by the Fish and Game Commission, under specified conditions, as a pilot program applicable only to one specified location.

Under existing law, the Department of Fish and Game is required to have the permittee make reports on its operations to the department, and the department is required to make findings on the operations available to the commission.

This bill would, additionally, require the department to submit a report of specified content by July 1, 1985, to the Joint Committee on Fisheries and Aquaculture and to the standing committee of each house of the Legislature that has jurisdiction over fishery issues.

(2) Under existing law, the department is authorized to make grants for salmon and steelhead rehabilitation along the north coast of California to nonprofit organizations, political subdivisions of the state, and Indian tribes and to adopt regulations for that purpose, as specified.

This bill would, instead, authorize the department to establish criteria for awarding those grants and would codify those provisions into the Public Resources Code

Ch. 574 (AB 3360) Elder Reyes Syndrome.

Existing law does not require physicians and surgeons to report cases of Reyes Syndrome

This bill would require that a physician and surgeon report that diagnosis, within 7 days, to the State Department of Health Services, as prescribed.

Ch. 575 (SB 1359) Garamendi. Senior centers

Existing state and federal law provides for various programs to provide services to elderly persons, including the funding of multipurpose senior centers.

This bill would provide for submission to the voters of the Senior Center Bond Act of 1984.

The bill would provide that, if enacted by the people, the state would be authorized to issue and sell general obligation bonds in the aggregate amount of \$50,000,000. The proceeds of these bonds would be placed in the Senior Center Bond Act Fund, which would be appropriated to the Controller, without regard to fiscal years, for allocation, at the request of the Director of the Department of Aging, and upon the enactment of statutory authorization and appropriation, as specified

The bill would provide that money in the Senior Center Bond Act Fund shall be allocated to public or private nonprofit agencies for the purpose of acquiring, renovating, constructing, or purchasing equipment for senior centers, or funding startup costs of programs for their expansion or expansion of senior center programs.

Existing law provides that funds received by this state under the federal Older Americans Act are allocated to various geographical areas of the state, which are called planning and service areas. These planning and service areas are made up of one or more counties.

This bill would provide that bond act proceeds would be allocated for each planning and service area in specified amounts.

This bill would provide for submission of the bond act to the voters at the next statewide election occurring on November 6, 1984, and those provisions would take effect upon adoption by the voters, except that procedural provisions governing the submission of the bond act would take effect immediately as an urgency statute.

Ch. 576 (AB 3396) Hayden. Schools: waiver authority

Existing law requires the Superintendent of Public Instruction to compute a penalty for excess class size in kindergarten classes. Existing law also authorizes the Superintendent of Public Instruction to waive the penalty under specified conditions.

This bill would transfer this waiver authority from the Superintendent of Public Instruction to the State Board of Education.

Ch. 577 (SB 1305) Beverly. Corporations.

There is in existing law the Corporate Securities Law of 1968 which, generally, regulates securities transactions, securities brokers and agents, and investment advisors. Existing law defines "security" generally to include, among other things, any note, stock, treasury stock, membership in an incorporated or unincorporated association, bond, debenture, evidence of indebtedness or certificate. Violation of law relating to securities transactions and brokers is punishable as a crime.

This bill would impose a state-mandated local program by expanding the definition of "security" to include any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities and any put, call, straddle, option,

or privilege entered into on a national securities exchange relating to foreign currency.

Existing law exempts, among others, any security issued or guaranteed by a federal savings and loan association or federal land bank or joint land bank or national farm loan association or by any savings and loan association which is subject to suspension and regulation by the Savings and Loan Commissioner of California from prescribed requirements for qualifying issuer and nonissuer transactions.

This bill would include a federal savings bank within the exemption.

Existing law exempts any offer (but not a sale) not involving any public offering of securities from the requirement of qualifying a security, provided that the agreement contains a notice that the sale of securities will be qualified with the commissioner and that the issuance of those securities or the payment or receipt of any part of the consideration therefor prior to the qualification is unlawful.

This bill would require the agreement to state that the sale is conditioned upon qualification with the commissioner unless the sale of securities is exempt from other qualification requirements, as specified.

Existing law requires an application for qualifying a security to contain certain information. Existing law provides that qualification of the sale of securities of an open-end investment company or a unit investment trust which has previously qualified the sale of its securities automatically becomes effective upon the day following the expiration of its prior qualification, or, if expired, upon the first business day following the filing of the application. Existing law, however, does not expressly state when the qualification of the sale of securities of a similar unit investment trust which has not previously applied to sale securities in California becomes effective.

This bill would clarify the law to make that qualification effective at the moment the federal registration becomes effective, or if the federal registration is already effective, when the application is filed, upon the first business day following the filing of the application.

Existing law provides that upon the filing of a written request for the consent to transfer securities, the commissioner may issue consent if he or she finds that the transfer requested will be fair, just, and equitable to the proposed transferees.

This bill would specify that the commissioner's consent is not a qualification of the transaction or an exemption from any qualification requirements.

Existing law does not regulate broker-dealers or agents in effecting any transaction in connection with any group or index of securities or any option entered into on a national securities exchange relating to foreign currency.

This bill would impose a state-mandated local program by imposing regulations on these actions by broker-dealers or agents.

The bill would make other conforming changes.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 578 (SB 1320) Vuich. Plant and animal quarantine, pest, and disease control

Under existing law, it is unlawful for a person to violate a plant or animal quarantine. Existing law also authorizes agencies of the state to collect damages from private individuals who themselves damage the state.

This bill would make any person who negligently or intentionally violates state or federal law by importing any plant, animal, or other article, which by virtue of being pest or disease infested, causes an infestation or infection of a plant, pest, or animal disease, or causes an existing infestation to spread beyond quarantine boundaries, except as specified, liable civilly in a sum not to exceed \$25,000 for each act that constitutes a violation.

The bill would require the money to be deposited in the Department of Food and Agriculture Fund for specified purposes.

The bill would take effect immediately as an urgency statute.

Ch. 579 (SB 1406) Beverly. Transportation

Existing law gives the Secretary of the Business, Transportation and Housing Agency various duties relating to transportation.

This bill would transfer specified duties of the secretary relating to transportation to the Department of Transportation or to the Director of Transportation.

Ch. 580 (SB 1835) Craven. Mobilehome parks.

Existing law does not require the Department of Housing and Community Development to conduct a survey of mobilehome parks or to study means of encouraging the construction of more family mobilehome parks.

This bill would require the department to conduct such a survey and study and to report its findings and recommendations to the Legislature by no later than January 1, 1986. The department also would be directed to establish a committee for the purpose of devising means of promoting the development of more family mobilehome parks.

The bill would appropriate \$100,000 from the Mobilehome Park Revolving Fund to the Department of Housing and Community Development for purposes of the bill.

Ch. 581 (SB 2197) Royce. Exotic vector importation

Under existing law, various laws are directed at the control of vectors, which term includes mosquitoes, flies, other insects, ticks, mites, and rats capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury.

This bill would make it unlawful for any person to import into the state any exotic vectors, as defined, without written approval from the State Department of Health Services. The state department would be required to issue an applicant written authority to import exotic vectors upon a determination that the public health and safety will not be endangered thereby. Any violation of this provision would be a misdemeanor, and therefore the bill would impose a state-mandated local program.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 582 (AB 2348) McAlister. Health insurance

Existing law provides that the Department of Insurance, until January 1, 1985, is required to notify, in writing, the Commissioner of Corporations whenever it determines that a multiple employer trust qualifies as a health care service plan subject to specified provisions of the Health and Safety Code.

This bill would delete the January 1, 1985 termination date.

Provisions of existing law make related changes relative to notification which would be repealed January 1, 1985.

This bill would delete that repeal date.

The bill would also take effect immediately as an urgency statute.

Ch. 583 (SB 2189) Deddeh. Civil service exempt appointments: reinstatement to civil service.

Existing law provides that an employee who vacates a state civil service position to accept an appointment to an exempt position shall be reinstated to the former position, as defined, subject to specified conditions and within specified time limits. It authorizes an employee to request reinstatement at any time after the effective date of the exempt appointment if, among other things, the exempt appointment is to the Legislature or a court of record, or if the employee is appointed by the Governor.

This bill would delete the reference to an appointment by the Governor, and would include various exempt positions specified in the California Constitution from which an employee may request reinstatement to civil service at any time after the effective date of the appointment, including that of elected officer, board member, employee of a board or commission, officer appointed by the Governor or employee of the Lieutenant Governor, deputy thereof, and deputy of the Attorney General, the Public Utilities Commission, and the Legislative Counsel. It would make various related technical changes.

[This bill would include deputy and associate superintendents of public instruction

appointed by the State Board of Education on nomination of the Superintendent of Public Instruction, the Director of Alcoholic Beverage Control, 3 appointees of the director, and the 3 members of the Alcoholic Beverage Control Appeals Board.]*

This bill would provide that the reinstatement rights of an employee appointed to an exempt position prior to the effective date of this bill shall be applied under the above provisions of law, as amended by this act.

Ch. 584 (AB 2912) Campbell. Education: sale of surplus school property: school district advisory committee.

(1) Existing law authorizes a school district to make vacant classrooms or other space in operating schools available for rent or lease to various groups and entities

Existing law requires the governing board of each school district, prior to the sale, lease, or rental of any excess real property, except as specified, to appoint a school district advisory committee which is representative of certain specified groups within the district, including persons with expertise in environmental impact, legal contracts, building codes, and land use planning. This school district advisory committee is required to perform specified functions in order to advise the governing board in the development of districtwide policies and procedures governing the use or disposition of school buildings or space in school buildings which is not needed for school purposes.

This bill would impose a state-mandated local program by broadening the application of specified functions which are required to be performed by the school district advisory committee, and by specifying certain knowledge which persons representing the above-described group must possess.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch. 585 (AB 2907) Peace. Cable television systems

Under existing law, the governing body of a city, county, or city and county may, by the granting of a franchise, authorize construction of a community antenna television system (cable TV), permitting the franchisee to place wires, conduits, and appurtenances for the system along or across public streets, highways, alleys, public properties, or public easements of the city, county, or city and county. In connection with the granting of a franchise, the franchising authority may prescribe rules and regulations to protect individual subscribers.

This bill would require cable television systems operating under a franchise, which do not incorporate the technology to prevent unwanted reception of audio and video signals under normal operating conditions, to provide a written statement to each of its new subscribers advising them that audio or video signals, or both, may be present on certain channels not subscribed to

Ch. 586 (AB 2897) Kelley. Environmental impact reports and negative declarations.

(1) Under the California Environmental Quality Act, lead public agencies, state and local, are generally required to prepare or cause to be prepared by contract, and certify the completion of, an environmental impact report on any discretionary project, as defined, that they propose to carry out or approve which may result in a substantial, or potentially substantial, adverse change in the environment or, if they determine that a proposed project will not have that effect, to adopt a negative declaration. A lead agency is required to determine whether an environmental impact report or negative declara-

tion is required for a project within 45 days from the receipt of a completed application.

This bill would shorten the determination period for these purposes to 30 days, thereby imposing a state-mandated local program, and would permit the period to be extended 15 days upon the consent of the lead agency and the project applicant.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) The bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 587 (AB 2331) Cortese. Prepaid rental listing services.

Existing law regulates prepaid rental listing services generally to require the licensing by the Department of Real Estate of any person rendering those services. Existing law requires that a prospective tenant be given a written contract containing specified provisions for services to be provided, including a clause setting forth the right to a full refund of the fee paid in advance. Existing law also requires the contract to be filed with the department prior to use.

This bill would require the contract to contain a clause setting forth the right to a partial refund as well as a full refund, and would require the department to withhold the issuance or renewal of a license until the department has approved the contract.

Existing law provides that if a person licensed to conduct a prepaid rental listing service fails to make a refund, under specified conditions, the prospective tenant is entitled to damages not to exceed \$200 in addition to actual damages sustained.

This bill would increase the amount of damages to \$500.

Ch. 588 (AB 578) Isenberg. County health services.

Existing law provides that, to the extent state funds are provided, counties are responsible for providing health care services to indigent persons, as defined. Counties are also responsible for providing care to the indigent population, as that term is defined by standards to be promulgated by each county.

Existing law further provides that a county with a population of less than 300,000 persons may, at its option, contract with the State Department of Health Services for administration of its health care services program for indigent persons.

Under existing law, there is a separate account in the County Health Services Fund, into which is deposited moneys allotted counties electing to contract with the department, and any interest earned upon money deposited in the account.

This bill would provide for the establishment of the County Medical Services Program Reserve Account, in the County Health Services Fund, to be comprised of the projected savings in the County Medical Services Program Account appropriated for use under the health services program administered by the State Department of Health Services for participating counties with a population of under 300,000 persons.

The bill provides that when the amount of funds in the Reserve Account reaches a specified level, the excess funds in the account shall be available for expenditure for specified purposes relating to the provision of county health services.

This bill would also provide that, where a county with a population of under 300,000 persons has contracted with the state for provision of medical services, a hospital providing inpatient services for that county's program shall be reimbursed at the rate established under the Medi-Cal program if that hospital has a Medi-Cal inpatient hospital services contract, and if the California Medical Assistance Commission determines that reimbursement to the hospital at this rate will not be detrimental to the Medi-Cal program or to this program.

Existing law provides that the state is at risk for any amount over and above the

amount in the County Medical Services Program Account appropriated for use under the health services program administered by the department only until June 30, 1984, and thereafter the counties are at risk for excess amounts.

This bill would make the state permanently at risk for excess amounts

The bill would also provide that the State Department of Health Services may, at the request of a participating county and to the extent funds are appropriated, provide technical assistance to assist a county with less than 300,000 persons in assuming administration of its health services program.

The bill would also provide that its provisions would become inoperative on July 1, 1988, and would be repealed on January 1, 1989.

The bill would take effect immediately as an urgency statute.

Ch 589 (AB 2959) Harris. Juries.

Under existing law, a jury commissioner may require any person to answer, under oath or by questionnaire, questions touching his or her name, age, residence, occupation, and qualifications as a trial juror and similar questions concerning other persons of whose qualifications for trial jury duty he or she has knowledge.

This bill, as to questionnaires, would provide that a jury commissioner may require any person to answer by questionnaire, would prescribe and limit the content of the questionnaire, and would make related changes. It would also require the Judicial Council to conduct a study of the effects of the jury selection process on the rights of privacy and to report to the Legislature and Governor. The provisions of the bill would remain in effect until January 1, 1990, when they would be repealed.

Ch 590 (SB 1590) Montoya. Boxing and wrestling.

Existing law requires a chief inspector to investigate applications for licenses issued by the State Athletic Commission and to investigate appeals from the denial of a license by the commission.

This bill would transfer that duty of investigation to the executive officer of the commission and would make related changes.

Existing law provides that the commission shall license, among others, ticket sellers and box-office employees to participate in, or be employed in connection with, professional or amateur boxing contests, sparring or wrestling matches, or wrestling exhibitions.

This bill instead would require the commission to license designated representatives of the promoter or facility responsible for ticket sellers and box-office employees and contracted ticket agencies, who are not employed by a city or county owned and operated facility.

Ch. 591 (SB 1788) Petris. County Employees Retirement Law of 1937.

(1) The County Employees Retirement Law of 1937 requires actuarial valuations of the retirement system at specified intervals and requires the retirement board, upon the basis of the investigation, actuarial evaluation, and recommendations of the actuary, to make specified recommendations to the board of supervisors.

This bill would authorize, with the approval of the board of retirement and the county board of supervisors, payment of the cost of actuarial valuations and service from earnings of the retirement fund.

(2) The County Employees Retirement Law of 1937 (a) permits the authorization of certain financial institutions to act, for compensation as specified, as custodian of any securities owned by the retirement association; (b) provides for the disposition of related income from those securities; and (c) specifies the source and manner of payment of the compensation.

This bill would: revise item (2) (b) above to require the income to be deposited in an account of the county treasurer for the retirement association, rather than in the county treasury. It would revise item (2) above to require that the compensation be considered as a reduction in earnings or a charge against the system's assets as determined by the board, rather than as a cost of administration of the system.

(3) A provision of the County Employees Retirement Law of 1937 authorizes Contra Costa County and certain districts therein to elect, as specified, to make the provision applicable to them, whereupon various other provisions would, by their terms, become

applicable, and an alternative system of benefits would be established

This bill would repeal and reenact that provision, as recasted, reordered, and revised, including: designating the program "Tier Two;" revising provisions relating to districts and the determination date for application to district employees, revising provisions relating to nonapplication to certain law enforcement, fire suppression, and safety employees; making written requests for coverage by current members irrevocable; providing for deferred members; and revising provisions requiring adoption of regulations relating to periods in which various employees may elect Tier Two coverage. These revisions would impose state-mandated local program costs.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(5) This bill would take effect immediately as an urgency statute

Ch. 592 (SB 2154) Ayala. Parks and recreation: local assistance projects.

(1) The Budget Act of 1981 appropriates \$175,339 from the Parklands Fund of 1980 to the Department of Parks and Recreation for a local assistance grant to the City of Rancho Cucamonga for Heritage, Hellman, and Baseline Parks.

This bill would amend and supplement the Budget Act of 1984 to revert the unencumbered amount of that appropriation and to appropriate \$175,339 from the Parklands Fund of 1980 to the department for a local assistance grant to the city for Arrow Park

(2) Under the Z'berg-Collier Park Bond Act, a local assistance grant was made to the County of San Bernardino for the Cucamonga Guasti Regional Park.

This bill would authorize the county to transfer approximately 6.5 acres of that park to the San Bernardino County Flood Control District in exchange for approximately 20 acres of district-owned land of equal or greater recreational value contiguous to the park, provided the county enters into a state grant project agreement with the Department of Parks and Recreation with respect to the lands acquired from the district

(3) The bill would take effect immediately as an urgency statute.

Ch. 593 (SB 2227) Carpenter. Instruments.

Existing law makes it a felony to knowingly procure or offer any false or forged instrument to be filed, registered, or recorded in any public office within this state, which instrument, if genuine, might be filed, registered, or recorded under any law of this state.

This bill would specify that each instrument which is procured or offered to be filed, registered, or recorded in violation of the above provision shall constitute a separate violation of these provisions, and the bill would prohibit the granting of probation or suspension of the sentence in cases where the person convicted under these provisions has been previously convicted under these provisions in a separate proceeding, or has been convicted of more than one violation under these provisions in a single proceeding where there was intent to defraud another and the violations resulted in a cumulative financial loss exceeding \$100,000, except in unusual cases where the interest of justice would best be served if probation is granted

Ch. 594 (AB 3617) Elder. Accountants

Existing law authorizes the State Board of Accountancy to appoint various administrative committees consisting of prescribed members who are public accountants and various administrative committees consisting of certified public accountants, to perform specified duties relating to investigation of complaints against public accountants and certified public accountants, respectively

This bill would instead (1) require the board to appoint one administrative committee consisting of public accountants, and one administrative committee consisting of certified public accountants, (2) revise the number of certified public accountants who would be members of the latter committee, and (3) make conforming changes.

Existing law authorizes the board to admit to the examination for a certified public

accountant any person who will complete his or her college study within 120 days of the examination but prohibits the board from reporting the results of the examination until the person completes his or her college study.

This bill would delete that prohibition and further provide that an applicant admitted to the examination who is found to have willfully misrepresented his or her status shall be denied credit for any passing grades received.

Ch. 595 (AB 3577) Sher. Prisons

Existing law provides generally for employment of prisoners through a prison industries program.

This bill would require the Governor to convene an interdepartmental task force to identify projects and operations which may feasibly and economically be performed by convicts for the benefit of the state

The bill would require the Governor to report the findings and recommendations of the task force to the Legislature no later than December 3, 1984, or 6 months after the effective date of the bill, whichever is later.

The bill would take effect immediately as an urgency statute.

Ch 596 (AB 2196) McAlister Workers' compensation medical-legal expenses.

Existing law provides that the employee, or the dependents of a deceased employee, shall be reimbursed for expenses reasonably, actually, and necessarily incurred for X-rays, laboratory fees, medical reports, medical testimony, and interpreter's fees to prove a contested workers' compensation claim. Existing law also provides that the level of fees for services of an independent expert medical examiner shall be set periodically by the Administrative Director of the Division of Industrial Accidents at a level which will assure the availability of outstanding medical and chiropractic experts to serve as independent examiners, and that expenses of medical testimony shall be presumed reasonable if in conformity with the fee schedule charges provided for impartial medical experts appointed by the administrative director.

This bill would repeal these provisions, and would instead enact new provisions providing for the reimbursement of medical-legal expenses, as defined, which are reasonably, actually, and necessarily incurred. The bill would provide the method and manner of reporting, billing, and paying of medical-legal expenses, would require the administrative director, annually, commencing on November 1, 1986, to publish the range of industrial medical-legal fees charged by independent medical examiners, agreed medical examiners, and physicians examining for either the applicant or the defendant for the 12 months ending the previous June 30 within specified categories, and would make other related changes with regard to medical-legal expenses.

This bill would also provide that the changes made by the bill are pursuant to recommendations made by the Temporary Advisory Committee on Medical-Legal Expenses, and urges the Governor to support specified studies suggested by the committee through appropriate budgetary requests

This bill would impose a state-mandated local program by requiring local public agencies to pay higher amounts in worker's compensation medical-legal expenses.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

This bill would take effect immediately as an urgency statute.

Ch. 597 (SB 1541) Russell. Rental housing.

Existing law defines "elderly" for purposes of the Zenovich-Moscone-Chacon Housing and Home Finance Act to mean a family in which the head of the household is 60 years of age or older, and permits the California Housing Finance Agency to adjust that age requirement to facilitate participation in other municipal, state, or federal programs.

This bill would expand the definition of "elderly" to include 2 or more persons, each of whom is 60 years of age or older and who live together under specified circumstances, and would authorize the Department of Housing and Community Development, in addition to the agency, to adjust the age requirement to facilitate participation in other municipal, state, or federal programs. This bill would authorize the department to establish minimum habitability standards for that rental housing

Ch. 598 (SB 195) Stiern. Community services districts traffic controls

Present law precludes certain local traffic ordinances and resolutions from applying to any highway which is not under the exclusive jurisdiction of the city or county adopting the ordinance or resolution.

This bill would specify that those provisions do not preclude the application of a local traffic ordinance or resolution to streets maintained by a community services district.

Ch. 599 (AB 1914) Harris Postsecondary education: Student Aid Commission: community colleges: student members.

(1) Existing law requires the 2 student members of the Student Aid Commission to be enrolled in a California postsecondary educational institution at the time of appointment, and specifies that they shall be appointed effective January 1, 1976

This bill would further require the student members of the commission to be enrolled in a California postsecondary educational institution for the duration of their term, or until a replacement has been named. This bill would also specify that the student members shall be appointed effective June 1, 1985, and June 1, 1986, respectively

(2) Existing law prescribes the procedures and minimum requirements for the appointment of student members to the Board of Governors of the California Community Colleges and the governing board of each community college district.

This bill would require student members to be enrolled in a community college with a minimum of 5 semester units, or its equivalent, throughout the term of appointment. This bill would require student members to meet and maintain the minimum standards of scholarship prescribed for community college students throughout the term. This bill would specify that the terms of student members shall commence on June 1 of each year.

(3) Existing law does not prescribe the qualifications for students who are elected to serve as officers of the student government of a community college.

This bill would require those students to be enrolled in the community college with a minimum of 5 semester units, or its equivalent, at the time of election and throughout the term of election, and to meet and maintain the minimum standards of scholarship prescribed for community college students by the district

Ch. 600 (SB 1641) Royce. Banks and corporations taxes suspended corporations

Under the existing Bank and Corporation Tax Law, a corporation suspended for failure to pay any tax, penalty, or interest has the power to amend the articles of incorporation to set forth a new name or to file an application for exempt status. It also allows a corporation suspended for failure to file a return to amend the articles of incorporation to set forth a new name

This bill would instead provide that a suspended corporation may file an application for exempt status or amend the articles of incorporation as necessary either to perfect that application or to set forth a new name

Ch. 601 (AB 2301) Robinson Courts.

(1) Under existing law, a fee is collected in civil cases in the Superior Court in Orange County equal to the full per diem rate for official reporters pro tempore for the services of such a reporter for the 6th and each succeeding day a reporter is required, which is collected at the close of trial.

This bill would revise those provisions to provide for the collection in civil cases in the Superior Court in Orange County that last longer than one judicial day, a fee equal to ½ the full per diem rate for official reporters pro tempore to be charged per ½ day of service to the parties, on a pro rata basis, for the services of such a reporter for the 2nd and each succeeding day a reporter is required, to be deposited with the clerk at the

beginning of the 2nd and each succeeding day's court session. The bill would also enact a similar fee with respect to civil cases in which the court orders a daily transcript necessitating the services of 2 phonographic reporters, and would make related changes.

(2) Under existing law, a court reporter fee similar to the above-described fee is not collected in civil cases in the superior court in Santa Clara County.

This bill would enact provisions similar to the above provisions for Orange County, for the collection of a court reporter fee in Santa Clara County.

(3) The bill would take effect immediately as an urgency statute.

Ch 602 (SB 1367) Keene Powers of attorney.

Existing law authorizes a person to establish a durable power of attorney, sets forth requirements for the establishment of a durable power of attorney, and sets forth provisions governing the exercise of a durable power of attorney.

This bill would set forth a statutory short form for a power of attorney, and define and set forth provisions governing its use.

Ch 603 (SB 1462) Presley Subpoena duces tecum

(1) Under existing law relating to consumer records, a subpoena duces tecum for the production of personal records shall be served in sufficient time to allow the witness a reasonable time to locate and produce the records or copies.

This bill would specify that the reasonable time period shall be not less than 10 days when the subpoena is served upon a witness with records in more than one location, except as otherwise specified.

(2) Existing law provides that personal attendance of the custodian of records or qualified witness is required where a subpoena duces tecum contains a specified clause.

This bill would instead provide that personal attendance of such a custodian or witness is not required unless, at the discretion of the requesting party, the subpoena duces tecum contains such a clause.

Ch 604 (SB 1662) B. Greene. Employment training panel.

Existing law authorizes the Employment Training Panel to allocate money in the Employment Training Fund for, among other things, the costs of program administration but limits these costs to not more than 5% of the amount collected pursuant to a specified statutory provision, as specified.

This bill would increase this limit to 15% but provide that administrative costs would also include marketing and research expenditures made under contract.

Existing law authorizes the panel to enter into fixed-fee performance contracts for the purpose of providing employment training to unemployed individuals, as specified, and requires that partial payments on these contracts be made, as specified, with not less than 25% of the fee withheld until the trainee has been retained in employment for 90 days after the end of training.

This bill would specify that this 90-day period be with a single employer, except for those occupations in which it is not customary for a worker to be employed for 90 consecutive days with a single employer, in which case the customary probation period may be substituted. However, in no case would a probationary period be less than 500 work hours.

Existing law contains provisions placing the personnel of the panel under the supervision of the chair or executive director of the panel but specifies that the personnel shall be appointed pursuant to the State Civil Service Act, and that the executive director and two assistant directors shall be exempt. However, other provisions of existing law specify that all personnel of the panel shall be appointed, directed, and controlled only by the panel or its authorized deputies or agents to whom it may delegate its powers.

This bill would delete the provision placing the personnel under the supervision of the chair or executive director.

This bill would also provide that the panel's administrative costs, as specified, would be reviewed annually by the Department of Finance and the Legislature and determined through the normal budgetary process.

Ch. 605 (SB 1912) Watson. Parent and child.

Existing law provides that a minor may be declared free from the custody and control

of his or her parents on any one of several grounds.

This bill would provide that upon appeal from a judgment freeing a minor who is a dependent child of the juvenile court from parental custody and control, the appellate court shall appoint counsel for the appellant upon motion by the appellant and a finding that the appellant is unable to afford counsel. The appellant's counsel would be provided with a free copy of the transcript.

This bill would also provide that an appeal from such a judgment in a case where the minor has been adjudged a dependent child of the juvenile court shall have precedence over all other cases in the court to which the appeal is taken.

It would prohibit extensions of time to court reporters and to counsel except upon an exceptional showing of good cause.

Ch. 606 (SB 2152) Ellis. Contractors applicants for licensure. issuance of citations.

Existing law provides that the Registrar of Contractors may issue a citation containing an order of correction or assessment of a civil penalty not only to a licensee but also to an applicant for licensure where there is probable cause to believe that the Contractors License Law has been violated.

This bill would make conforming changes, respecting the applicant for licensure, to various provisions relating to the issuance of a citation for a violation of the Contractors License Law. The bill would also provide that the failure of an applicant for licensure to comply with an order of correction or to pay any civil penalty assessed after the order or assessment is final is a ground for denial of a license.

Ch. 607 (AB 3611) Papan Schools county superintendents' computer software.

Existing law prescribes the duties and responsibilities of school district governing boards and county superintendents of schools. Existing law authorizes county superintendents of schools to contract for the lease, purchase, or maintenance of electronic data-processing systems and supporting software.

This bill would authorize county superintendents of schools, with the approval of the county board of education and in accordance with rules prescribed by the board, to market any noneducational mainframe electronic data-processing software developed by that office to any person or any public or private corporation or agency.

This bill would authorize the governing board of any school district to market or license any noneducational mainframe electronic data-processing software developed by the school district to any person or any public or private corporation or agency.

This bill would require that the proceeds from the marketing or licensing of noneducational mainframe electronic data-processing software developed by the office of the county superintendent of schools or a school district be used exclusively for educational purposes.

Ch. 608 (AB 2774) Sher. Prisons

Existing law places the responsibility for operation of the state prisons in the Department of Corrections.

This bill would require that each prison develop a Mutual Aid Escape Pursuit Plan and Agreement with local law enforcement agencies which would be subject to annual review by the city council and county board of supervisors where the prison is located.

The bill would also require each prison to have a citizens' advisory committee to be appointed by the warden or superintendent of the prison as specified.

This bill would take effect immediately as an urgency statute.

Ch. 609 (SB 2283) Dills. Community colleges. finances: sale or lease of property.

(1) Existing law authorizes the governing board of any community college district to establish extended opportunity programs or services which are over, above, and in addition to, the regular educational programs of the college to encourage the enrollment of students handicapped by language, social, and economic disadvantages, as specified.

This bill would require the Board of Governors of the California Community Colleges to adopt rules and regulations establishing requirements for appropriate credentials to be held by extended opportunity programs and services faculty and staff. This bill would specify that these rules and regulations, where appropriate, may also establish training

standards for these faculty and staff

This bill would specify that persons employed in extended opportunity programs or services as faculty or staff shall be deemed to meet the credential requirements adopted by the board pursuant to this bill if they have been employed in these positions for 3 consecutive years prior to the effective date of these provisions

This bill would authorize the office of the Chancellor of the California Community Colleges to waive these credential requirements if a person employed in extended opportunity programs or services has had 3 years of related work experience, or if there are other circumstances for which a waiver is appropriate.

(2) Existing law authorizes community college districts to offer programs and services for disabled students, as prescribed.

This bill would require the Board of Governors of the California Community Colleges to adopt rules and regulations requiring that programs and services for the disabled provided under specified provisions of current law are provided by appropriately trained and credentialed professionals and paraprofessionals. This bill would require the adopted rules and regulations to include appropriate credentialing requirements and, where appropriate, training standards for these persons

This bill would specify that persons employed in these positions on the effective date of this bill shall be deemed to possess the appropriate credentials required under this bill if they have been employed for 3 consecutive years in these positions prior to the effective date of this bill.

This bill would authorize the office of the Chancellor of the California Community Colleges to waive the credentialing requirements prescribed under this bill if it is determined that a person has had 3 years of equivalent work experience, or if it is determined that there are other circumstances which in its estimation merit a waiver of these requirements

This bill would impose state-mandated costs by requiring community college districts to require that persons employed in specified programs and services for disabled students are appropriately credentialed and trained in accordance with the requirements of this bill

(3) Existing law requires a community college district to use funds derived from the sale of property or from a lease with an option to purchase property for capital outlay, except as otherwise specified

This bill would permit these funds to also be used for deferred maintenance.

(4) Existing law requires the county superintendent of schools to submit specified reports on the financial and budgetary conditions of the community college district to various entities.

This bill would impose a state-mandated local program by requiring the county superintendent to evaluate the reports, and provide comments and recommendations, as specified

(5) Existing law requires the governing board of each community college district to meet specified deadlines regarding the adoption and subsequent filing of a district budget with the county superintendent of schools. Currently, if a district board neglects or refuses to make a budget as prescribed by the Chancellor of the California Community Colleges, the county superintendent of schools is prohibited from making any apportionment of state or county money to the particular district for the current fiscal year.

This bill would revise the above-described penalty by providing that if the governing board of any community college district neglects or refuses to make a budget as prescribed by the chancellor, or fails to file a budget by the deadline dates specified in certain statutory provisions, the chancellor may direct the county superintendent of schools to, or the county superintendent of schools may, withhold any apportionment of state or local money to the particular district for the current fiscal year until the district complies with its various duties regarding adoption and filing of its budget. This bill would prohibit the imposition of this penalty if the chancellor or the county superintendent determines that unique circumstances make it impossible for the district to comply with those duties, or if there are delays in the enactment of the annual Budget Act

(6) Existing law requires a community college district to follow specified procedures regarding priorities for the sale or lease-purchase of real property

This bill would authorize the Long Beach Community College District to negotiate

the sale of specified district property for a two-year period

(7) Existing law authorizes the governing board of any community college district to employ persons possessing appropriate credentials as certificated employees in programs and projects to perform services conducted under contract with public or private agencies, or other categorically funded projects of indeterminate duration, as specified. Existing law specifies that these provisions are inapplicable to any regularly credentialed employee who has been employed in the regular educational programs of the district as a contract employee before being subsequently assigned to any one of these programs.

This bill would specify that these provisions are also inapplicable to employees employed in programs operated pursuant to, or funded pursuant to, specified provisions of existing law.

(8) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(9) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(10) The bill would take effect immediately as an urgency statute.

Ch 610 (AB 2194) Alatorre Peace officers.

(1) Under existing law, specified persons are peace officers while engaged in the performance of their duties, as specified.

This bill would include within these provisions security officers employed and designated by the General Manager of the Department of General Services of the City of Los Angeles. These security officers would not, however, be authorized to carry firearms.

(2) This bill would incorporate additional changes to Section 830.4 of the Penal Code proposed by AB 2518 and SB 931, contingent upon the enactment of AB 2518 or SB 931, or both.

(3) This bill would express the intent of the Legislature not to affect the law relating to employee benefits.

(4) The bill would take effect immediately as an urgency statute.

Ch 611 (AB 2106) Frizzelle. Fish and wildlife consultative procedures.

Existing law provides for the adoption, amendment, and repeal of regulations and orders by the Department of Fish and Game.

This bill would declare state policy to anticipate and resolve potential conflicts between the management, conservation, and protection of fish and wildlife resources and their habitat and private and public activities that may affect them. The bill would provide for the use, by the department, of informal consultative procedures prior to taking any formal action, as defined, that will assist in the achievement of this policy.

Ch 612 (AB 3835) Floyd. Services to Medi-Cal recipients

Under existing law, the State Department of Health Services administers the Medi-Cal program, under which eligible recipients are provided with medical benefits.

This bill would require the department to engage an independent consultant to conduct a study of the problems encountered by persons with disabilities in gaining access to quality medical care under the Medi-Cal program. A report of the results of the study would be required to be submitted to the Legislature. This bill would also appropriate \$50,000 from the General Fund to the State Department of Health Services for the purposes of the bill.

Ch 613 (AB 3281) M Waters. County general assistance work requirements.

Existing law provides that each county shall provide aid and care to its indigent

population.

Existing law also provides that work may be required of an indigent who is not incapacitated by reason of age, disease, or accident as a condition of relief, with the work to be created for the purpose of keeping the indigent from idleness, and assisting in his or her rehabilitation and the preservation of his or her self-respect.

This bill would eliminate from those purposes for which work may be required of an indigent, the purpose of keeping the indigent from idleness.

Ch. 614 (AB 2448) M. Waters. Alcoholic beverages licensure.

Existing law requires the publication of a notice of application for certain on-sale and off-sale licenses to sell alcoholic beverages

This bill would require notification of an application for any on-sale or off-sale license to be sent by the applicant to every resident within a 500-foot radius of the licensed premises. The applicant would be required to submit proof of compliance to the Department of Alcoholic Beverage Control

The bill would also require, in the case of a protest of the issuance or transfer of a license, that the department consider scheduling the hearing at a time and place convenient for the parties to the proceeding, as specified.

Ch. 615 (SB 1283) Keene. Redwood Region Railroad Authority.

Existing law does not provide for the creation of a public agency with powers to acquire and operate railroads in the Counties of Humboldt, Marin, Mendocino, Sonoma, and Trinity

This bill would enact the Redwood Region Railroad Act to create the Redwood Region Railroad Authority within those counties governed by a board of directors with a specified membership. The bill would authorize the authority to acquire and operate railroads, to issue revenue bonds pursuant to the Revenue Bond Law of 1941, and to provide passenger and freight service. The bill would expressly provide that the state is not liable for any contract, debt, or obligation of the authority. The bill would prohibit the authority from acquiring a specified right-of-way of the Northwestern Pacific Railroad.

The bill would become operative only if the Interstate Commerce Commission approves a petition for abandonment or discontinuance of operations of any part of the Northwestern Pacific Railroad. The bill would direct the Secretary of State to notify the counties within 10 days of that approval that the act is operative and that the members of the board of directors of the authority shall be appointed as provided. The bill would require the Secretary of State to call the first meeting of the board of directors in the City of Willits within 30 days of the ICC's approval. The bill would provide that, if there is no ICC approval of abandonment or discontinuance of operations of any portion of the Northwestern Pacific Railroad by January 1, 1986, the act would be repealed as of that date. The bill would also state legislative intent that the act not provide a justification for the ICC to grant a petition for abandonment or discontinuance of service.

The bill would take effect immediately as an urgency statute.

Ch. 616 (SB 1996) Mello. Nutrition programs for the elderly.

Under existing law, there is a nutrition program for the elderly administered by the Department of Aging.

This bill would appropriate \$5,000,000 from the General Fund to the Department of Aging for nutrition programs for the elderly, as set forth in the bill.

This bill would also take effect immediately as an urgency statute

Ch. 617 (SB 1995) Robbins. Southern California Rapid Transit District railway system.

(1) Under the Southern California Rapid Transit District Law, the Southern California Rapid Transit District may provide rapid transit service within or partly without the district.

This bill would, until January 1, 1995, require the district, within one year of the start of construction of any portion of an exclusive public mass transit guideway system-San Fernando Valley-Downtown Los Angeles Metro Rail project, to start station construction on the San Fernando Valley segment of the system. The bill would also require, until January 1, 1995, that the funding in each year, in the aggregate, for below-ground

construction on a specified station and for tunneling and subway construction within this segment be not less than 15% of the amount of nonfederal funds allocated and spent in the previous year to construct the metro rail project, thus imposing a state-mandated local program, except that if the entire project is converted to an at-grade light rail system, the below-ground construction of the specified station may be modified to the mode used on the entire route of the project. The bill would also specify potential sources of funding for construction of the system.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would require that reimbursement to the district for any state-mandated local program costs incurred in compliance with the requirements of the bill come from funds allocated to the district by the California Transportation Commission for the planning or construction of the metro rail project.

Ch. 618 (AB 2623) La Follette. Tear gas.

Existing law provides that no tear gas or tear gas weapon shall be possessed, sold, or manufactured unless certified acceptable by the Department of Justice. Existing law provides that any person engaged in the manufacture, sale, or transportation of tear gas or tear gas weapons may apply for certification.

This bill would provide that any manufacturer of tear gas or tear gas weapons may apply for certification. The bill would provide that "manufacturer" means any person, firm, or corporation which makes tear gas or tear gas weapons, or which assembles raw materials or components to create tear gas or tear gas weapons. It would require devices submitted for certification other than by the manufacturer prior to January 1, 1985, to be recertified.

Ch. 619 (AB 2547) Lewis. Commissioner of Corporations

Under existing law, if in the opinion of the Commissioner of Corporations, a security is being or has been offered or sold without being qualified, the commissioner may order the issuer or offeror to stop; if a person is acting as a broker dealer or investment adviser without a license, the commissioner may order that person to stop; and if a franchise exempt from registration is being offered without complying with specified provisions, the commissioner may order the franchisor or offeror to stop. Those orders are subject to review pursuant to the Administrative Procedure Act. Similarly, under existing law the commissioner may order a health care service plan, solicitor firm, representative, or solicitor to cease and desist from violations of the law, and the respondent may request a hearing within 15 days after the order.

This bill would require a person to file a written request for a hearing on those orders within one year from the date of service of the order. If that is not done, the order would be deemed a final order and would not be subject to review.

Ch. 620 (AB 2398) Hughes. California Academic Partnership Program

Existing law authorizes the establishment of the California Academic Partnership Program, to be administered by the Trustees of the California State University for the purpose of providing academic and counseling services to pupils enrolled in grades 7 to 12, inclusive, and to increase the involvement of postsecondary educational institutions to improve the academic quality of public postsecondary schools. Existing law prescribes procedures for the establishment of an advisory committee for the purpose of making recommendations to the Chancellor of the California State University for the award of grants to projects submitted by qualified applicants in accordance with prescribed criteria to implement these provisions of existing law.

This bill would make substantial revisions to the provisions of existing law governing the administration of the California Academic Partnership Program.

This bill would require the program to be administered by the Trustees of the California State University, in cooperation with the Regents of the University of California, the Board of Governors of the California Community Colleges, and the Superintendent of Public Instruction. This bill would state that the purpose of the program is to develop

cooperative efforts to improve the academic quality of the public secondary schools with the objective of improving the preparation of all students for college. This bill would specify that projects funded under the provisions of this bill may address improvements in secondary school curriculum and the ability of students to benefit from these improvements

This bill would revise the provisions of existing law governing the composition of the advisory committee appointed to assist in the selection of proposals to be funded and the development of criteria for project evaluation, as prescribed. This bill would require the advisory committee to make recommendations regarding the development of criteria for identifying projects which are ineffective, and for the development of options identifying additional resources and efforts which promote the objectives of the program

This bill would substantially revise eligibility criteria for the submission of funding for a project grant, as prescribed. This bill would require each project receiving a grant to provide matching funds, rather than an equal dollar amount of matching funds, from existing funds received from federal, state, local, or private sources. This bill would revise the priorities for the award of project grants.

This bill would require the Chancellor of the California State University, with the assistance of the advisory committee, and the advice of faculty from appropriate disciplines, to establish a voluntary cooperative program for the academic assessment of secondary school students in the state, as prescribed.

This bill would require the California Postsecondary Education Commission to provide a progress report on the effectiveness of the California Academic Partnership Program to the Legislature on or before January 1, 1986, and would require the commission to submit a final evaluation on or before January 1, 1988, as prescribed, and would authorize the commission to identify projects which are ineffective or not cost-effective for termination.

This bill would take effect immediately as an urgency statute.

Ch. 621 (AB 2283) Killea. Driver's licenses: requirement for driving in offstreet parking facilities

(1) Existing law, with a specified exception, requires registration of vehicles driven, moved, or left standing in any public parking facility or in any privately owned parking facility charging no parking fees and held open for the common public use of retail customers of more than one retail store.

This bill would expand the application of these provisions to generally require registration of vehicles driven, moved, or left standing in private, no-fee parking facilities open for the public use of retail customers

(2) Existing law prohibits any person from operating a vehicle within an offstreet parking facility without a driver's license.

This bill would define "offstreet parking facility," for purposes of the above provisions, to mean any offstreet parking facility held open for use by the public for parking vehicles. The bill would expressly include within the definition of "offstreet parking facility" all publicly owned offstreet parking facilities and all privately owned parking facilities for offstreet parking where no parking fee is charged and which are held open for the common public use of retail customers.

(3) Existing law prohibits any person who owns or controls a motor vehicle from knowingly permitting or authorizing another person to drive the vehicle upon the highways, unless the driver is licensed for the appropriate class of vehicle to be driven.

This bill would prohibit any person who owns or controls a motor vehicle from causing or permitting a driver to operate the vehicle in an offstreet parking facility, as defined, if the person has knowledge that the driver does not have a driver's license of the appropriate class and certification to operate the vehicle. Since violation would be an infraction, the bill would impose a state-mandated local program.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement

is required by this act for a specified reason.

Ch. 622 (SB 1685) Ayala. Schools: pupils: expulsions.

Existing law requires the governing board of each school district to establish rules and regulations governing procedures for the expulsion of pupils including, but not limited to, prescribed minimum requirements. Existing law specifies that at the conclusion of the expulsion hearing a decision of the governing board whether or not to expel the pupil shall be made within 10 schooldays following the conclusion of the hearing, unless the pupil requests in writing that the decision be postponed.

This bill would require a decision of the governing board on whether to expel a pupil to be made within 10 schooldays following the conclusion of the hearing, unless the pupil requests in writing that the decision be postponed. This bill would specify that if the hearing is held by a hearing officer or an administrative panel, or if the governing board does not meet on a weekly basis, the governing board shall make its decision about a pupil's expulsion within 40 schooldays after the date of the pupil's removal from his or her school of attendance for the incident for which the recommendation for expulsion has been made, unless the pupil requests in writing that the decision be postponed.

Ch. 623 (SB 1289) Beverly. Courts: Long Beach.

Existing law establishes 7 judgeships for the Long Beach Municipal Court District, and authorizes 3 additional judgeships upon the adoption of a specified resolution by the Los Angeles County Board of Supervisors.

This bill would revise the authorization for additional judgeships to provide for up to 3 such judgeships upon the adoption of such a resolution or resolutions.

The bill would take effect immediately as an urgency statute.

Ch. 624 (SB 1487) Ellis. Mobilehomes: lots: fees

Existing law prohibits the owner or management of a mobilehome park from charging a homeowner a fee for other than rent, utilities, and incidental reasonable charges for services actually rendered. Existing law does not expressly prohibit the owner or management from charging a fee for obtaining a lease on a mobilehome lot.

This bill would prohibit such a fee for obtaining a lease on a mobilehome lot for (1) a term of 12 months, or (2) a lesser period as the homeowner may request. The bill would permit a fee for a lease of more than one year if mutually agreed upon by both the homeowner and the management.

Ch. 625 (SB 1386) Marks. Air pollution: fee schedules.

Existing law authorizes the board of an air pollution control district or air quality management district to adopt a schedule of annual fees to cover the costs of certain programs and, in addition, for fiscal years ending before July 1, 1984, to adopt a schedule of fees to offset the loss of any state and federal subvention funds.

This bill would extend the authority of a district to adopt a schedule of fees to offset the loss of any state and federal subvention funds to all fiscal years ending before July 1, 1986. The bill would state the intent of the Legislature regarding district funding and the maintenance of subventions.

The bill would take effect immediately as an urgency statute.

Ch. 626 (AB 3940) Bader. Milk marketing.

(1) Under existing law, solicitation by, or collusion or joint participation between or among, specified persons, including retail stores, to commit any of the unlawful practices relating to milk marketing is an unlawful practice and subject to civil and criminal penalties.

This bill would delete retail stores from the list of specific persons for whom the prohibition applies.

(2) Under existing law, any person who violates the laws relating to milk marketing is liable civilly in an amount not less than \$50 and not greater than \$500.

This bill would increase the civil penalty to a minimum of \$100 and a maximum of \$1,000. This increase would be deposited in the Department of Food and Agriculture Fund, a continuously appropriated fund for this purpose, and would thus result in an appropriation to the Department of Food and Agriculture.

(3) Existing law requires handlers of manufacturing milk and market milk to execute

and deliver a surety bond in a specified amount to the Director of Food and Agriculture before purchasing milk from a producer.

This bill would state that any milk purchase agreement between a handler and a producer may provide for surety bonds, guarantees, or other forms of security in addition to the bonding requirements prescribed in the applicable laws.

Ch. 627 (AB 2384) Bradley Public officers: judges

Existing law makes it a crime to knowingly and willingly threaten the life of any elected state official, exempt appointee of the Governor, or judge of the Supreme Court or court of appeals.

This bill would extend the application of this provision to include threats against the life of any judge, thus establishing a state-mandated local program.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by creating new crimes.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 628 (AB 2308) Costa. Vehicle registration.

(1) Existing law prescribes procedures to be followed by vehicle dealers and lessor-retailers in applying to the ~~department~~ [Department of Motor Vehicles]* to register or transfer registration of a vehicle upon sale and in transmitting fees therefor. Existing law prescribes penalties for noncompliance.

This bill would revise the applicable schedule of penalties for noncompliance, would permit submission of a corrected application without penalty in specified situations, and would make the provisions applicable to remanufacturers.

(2) Existing law authorizes the department, at its headquarters office in Sacramento only, to charge a service fee of \$15, in addition to other fees, for the completion of an initial registration or transfer of registration of a commercial vehicle within 72 hours after receipt of a complete and proper registration application.

This bill, on and after July 1, 1985, would instead authorize the department to set that fee at not more than \$15 and authorize that service to be provided for noncommercial vehicles as well.

Ch 629 (SB 1781) Ellis County highways maintenance.

Under existing law, the county board of supervisors is authorized to construct, improve, and maintain county highways.

This bill would authorize the board of supervisors to adopt standards for limited maintenance of county highways which have a low traffic volume.

Ch 630 (AB 3286) Hughes Teacher credentialing

Existing law requires the Commission on Teacher Credentialing to approve institutions of postsecondary education maintaining teacher training programs for the purpose of recommending the issuance of credentials by the commission for persons successfully completing these programs.

This bill would state findings by the Legislature that there are significant problems with the evaluation process currently being used to measure the effectiveness of approved teacher training programs.

This bill would require the commission, on or before March 1, 1985, to prepare and submit a report to the Legislature identifying at least 3 models of candidate-centered assessment to be used for the evaluation of the effectiveness of teacher training programs, as prescribed.

Ch. 631 (AB 2659) La Follette. Motor vehicle registration.

(1) Existing law, with certain exceptions, requires when a motor vehicle subject to vehicular air pollution requirements is initially registered in this state or ownership or registration is transferred, or when a motor vehicle previously registered outside this state is registered in this state, that the applicant provide the Department of Motor

Vehicles with a specified certificate of compliance or noncompliance with applicable emission standards. Certain transfers of ownership or registration are exempt from this requirement.

This bill would additionally exempt transfers between a lessor and lessee of a vehicle if there is no change in the lessee or operator of the vehicle.

(2) Under existing law, an application for original registration of a motorcycle is required to include specified proof of the stamped motor and frame numbers.

This bill would instead require the application to specify the motor and vehicle identification numbers as they appear on the motor and frame, with no specific requirement for proof thereof.

(3) The bill would amend Section 4000.1 of the Vehicle Code to incorporate the changes in that section proposed by both this bill and AB 2299, if both bills are enacted and this bill is enacted after AB 2299.

Ch 632 (SB 1332) Beverly. Fire protection.

(1) Under existing law, the State Fire Marshal is authorized to adopt regulations with respect to various fire hazards.

This bill would authorize the State Fire Marshal to adopt regulations specifying the access to roof areas of commercial establishments which firefighters shall have, and would authorize the State Fire Marshal to limit or restrict the use of razor wire fences, chain link fences, or any other fences which would obstruct that access. Since violation of these regulations would be a misdemeanor, the bill would impose a state-mandated local program. The bill would specify that "commercial establishment" shall not include any facility of a public utility.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 633 (AB 2321) Jones. Forestry: burning permits, zones, and times.

Under existing law, for purposes of burning activities, the state is divided into 2 zones. In Zone A, which includes, with specified exceptions, all counties and portions of counties south of the Mount Diablo baseline, it is unlawful to burn flammable materials in a state responsibility area, an area receiving fire protection by the Department of Forestry, or on certain federal lands at any time without a specified burning permit. In Zone B, which includes all portions of the state not in Zone A, it is unlawful to burn flammable materials in those areas without a permit between April 1st and December 1st of any year or at any other time when the Director of Forestry has declared that unusual fire hazard conditions exist

This bill would change the period during which a permit is required in Zone B to be between May 1st and the date the director declares that the hazardous fire conditions have abated for that year or at any other time the director has declared that unusual fire hazard conditions exist. The bill would also revise the definition of Zone A to generally make that zone smaller, thereby reducing the area where a burning permit is required at any time.

Ch. 634 (SB 1724) Keene. Property taxation: timberland.

Existing property tax law requires the determination of value of timberland in accordance with a prescribed schedule for the 1984-85 fiscal year and fiscal years thereafter with provision made for the adjustment of those values for the 1985-86 fiscal year and fiscal years thereafter. The valuation schedule provides for various specified site values per acre of timberland zoned as timberland production within two established timberland regions, the Redwood Region and the Pine-Mixed Conifer Region.

This bill would establish a Whitewood Subzone of the Redwood Region and would prescribe various specified site values per acre of timberland within that subzone. The bill would also define the areas encompassed by the two existing regions and the new subzone.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by requiring county assessors to determine those areas within a Redwood Region which qualify as a Whitewood Subzone and to assess timberland within those areas in accordance with the prescribed site values applicable to that subzone.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill would provide that no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to this bill.

Ch. 635 (AB 3915) Condit. Cattle brands

(1) Existing law prescribes specific fees and penalties for recording, renewing, or transferring cattle brands.

This bill would authorize the Director of Food and Agriculture to raise or lower these fines and penalties upon findings and recommendations of the Livestock Identification Advisory Board. These fines and penalties are deposited in the Department of Food and Agriculture Fund, which is continuously appropriated to the Department of Food and Agriculture for the purpose of administering specified laws relating to animals. Thus, this bill would result in an appropriation.

(2) Existing law requires that the amount which is due for a cattle inspection be paid to the inspector within 15 days after the issuance of the brand inspection certificates for the cattle which were inspected, unless a bond or cash deposit is on deposit with the department to cover the payment of the inspection fees.

This bill would instead require that these fees be paid to the director rather than the inspector and that they be paid within 30 days after the inspection certificates are issued.

Ch. 636 (AB 2695) Hauser Forest practices: subdivision development. exemption.

Under existing law, no public agency is required to submit a timber harvesting plan or file an application for conversion of timberland with the State Board of Forestry where the purpose of its timber operations is to construct or maintain a right-of-way on its own or any other public property.

This bill would additionally authorize, except on lands zoned as a timberland production zone pursuant to specified provisions of existing law, the removal of trees for subdivision development to be exempted by regulation from provisions governing the conversion of timberland, where the subdivision has had a tentative subdivision map approved and a subdivision use permit granted by the city or county having jurisdiction, if the exemption is consistent with the purposes of the Z'berg-Nejedly Forest Practice Act of 1973.

Ch. 637 (AB 2411) Lancaster Environmental quality: environmental impact report. consultations.

(1) Under the California Environmental Quality Act, lead public agencies, state and local, are generally required to prepare or cause to be prepared by contract, and certify the completion of, an environmental impact report on any discretionary project, as defined, they propose to carry out or approve which may result in a substantial, or potentially substantial, adverse effect on the environment or, if they determine that a proposed project will not have that effect, to adopt a negative declaration. Under the act, prior to completing an environmental impact report, lead agencies may consult with any person who has special expertise with respect to any environmental impact involved.

This bill would require state and local lead agencies, at the request of a project applicant involving the issuance of a lease, permit, license, certificate, or other entitlement by one or more public agencies, to provide for early consultation to identify specified areas to be analyzed in depth in the environmental impact report. The bill would authorize lead agencies in those cases to consult with specified persons. The bill,

by requiring local lead agencies to engage in the above process, would impose a state-mandated local program. The bill would also authorize local lead agencies to charge a fee to the applicant not to exceed the actual costs of the consultations.

(2) The bill would incorporate additional changes in Sections 21104 and 21153 of the Public Resources Code made by AB 2583, to be operative only if both this bill and AB 2583 are enacted and become effective January 1, 1985, and this bill is enacted last.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 638 (AB 2367) Moore Telecommunications: commercial transactions

Existing law does not specifically regulate the sale of goods or services to consumers through the use of telecommunication networks. The existing federal law, however, regulates certain types of electronic fund transfers

This bill would enact the Electronic Commerce Act of 1984, which would require any person who contracts with consumers to provide an electronic commercial service, as defined, to provide to the consumer at the time of contracting, specified information including the charges imposed and the procedure which may be followed to resolve a complaint regarding use of the service. The bill would also contain a statement of legislative intent and would specify that the provisions of the bill shall not apply where they are inconsistent with, or infringe upon, federal law or regulation. The bill would provide for the imposition of a civil penalty not to exceed \$5,000 upon any provider of an electronic commercial service who knowingly and willfully violates any of the provisions of the bill. The bill would apply only to transactions entered into on or after July 1, 1985

Ch. 639 (AB 3706) Moore. Health: referrals by healing arts practitioners.

Existing law prohibits specified licensed healing arts practitioners from referring patients to specified clinical laboratories in which a licensee has any membership, proprietary interest, or coownership in any form, or has any profit-sharing arrangement, unless the licensee at the time of making a referral discloses in writing the interest to the patient and indicates that the patient may choose any clinical laboratory for purposes of having any laboratory work performed. A violation of these provisions is a misdemeanor

This bill would provide, in addition, that it is unlawful for specified licensed healing arts practitioners to charge, bill, or otherwise solicit for payment from a patient on behalf of, or refer a patient to, an organization in which the licensee, or the licensee's immediate family, has a significant beneficial interest, unless the licensee first discloses in writing to the patient that there is such an interest and advises the patient regarding other alternative services, if available. A violation of this provision would be a misdemeanor and thus this bill would impose a state-mandated local program upon local governments by creating a new crime.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 640 (AB 3342) McAlister. Health coverage.

Under existing law, any person or other entity which provides coverage for specified health care services is presumed to be subject to the Department of Insurance unless it shows that it is subject to some other agency of the state or the federal government.

The bill would provide that any person or other entity or arrangement that is organized for the purpose of offering or providing coverage for the benefit of employees of

2 or more employers for specified health care services is subject to the jurisdiction of the Department of Insurance, except as specified.

The bill would take effect immediately as an urgency statute.

Ch. 641 (AB 3687) N. Waters. Dairy products.

(1) Under existing law, until January 1, 1985, for the purpose of dairy products, the term "sterilization" or "sterilized" may be used to describe milk and milk products processed under conditions equivalent to sterile processing and aseptically packaged in hermetically sealed containers for sale under refrigerated conditions.

This bill would extend the termination date of these provisions to January 1, 1987.

(2) Existing law prescribes the contents of sour cream and permits it to contain specified products.

This bill would add salt to those products that may be added to sour cream. The bill would also permit sour cream to contain distinctive flavorings, as specified, and would require the label on a container of sour cream containing those flavorings to identify the fact that it is flavored [flavor]*

(3) Existing law requires that sour cream dressing, when sold to consumers, be in containers of ½-gallon or 4-pounds capacity except for sour cream dressing which contains distinctive flavorings which may be sold to consumers in any size container.

This bill would delete the exception from the size requirements for sour cream dressing which contains distinctive flavorings.

(4) Existing law prescribes the contents of a product which may be referred to as cultured half-and-half or sour half-and-half.

This bill would delete the references to cultured half-and-half and, instead, refer to the product as light sour cream, and revise some of its contents. The bill would permit the product to contain distinctive flavorings, as specified.

(5) Under existing law, class 2 milk includes any market milk, market skim milk, or market cream used to manufacture specific products, including sour cream, but not including sour half-and-half or light sour cream.

This bill would add sour half-and-half or light sour cream to those products manufactured from class 2 milk.

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by creating a new crime.

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 642 (AB 633) McAlister Insurance

Existing law limits the situations in which credit in accounting and financial statements is allowed on account of reinsurance ceded to a nonadmitted insurer or to certain alien insurers. Among other instances, credit is allowed to the extent that the amount of a clean and irrevocable letter of credit is a substitute for advances for claims, unearned premiums, and all other policy and contract liabilities and reserve obligations to be made by a foreign or alien insurer, as specified. The irrevocable letter of credit is required to be issued under arrangements satisfactory to the Insurance Commissioner, and to be issued by a banking institution which is a member of the Federal Reserve System and of financial standing satisfactory to the Insurance Commissioner.

This bill would require the letter of credit to be issued and maintained under arrangements satisfactory to the Insurance Commissioner. It would permit the letter of credit to be issued or confirmed by a banking institution which is a member of the Federal Reserve System, and it would also permit the irrevocable letter of credit to be issued by a banking institution which is a California state chartered bank which is insured by the Federal Deposit Insurance Corporation and meets the conditions established by the Insurance Commissioner.

Ch 643 (AB 4032) Felando. Advertising.

Existing law provides for civil and criminal penalties for any person engaged in unfair trade practices and for certain false or misleading advertisements

This bill would make it a crime, thereby imposing a state-mandated local program, to advertise a product or service that requires, as a condition of sale, the purchase or lease of a different product or service without disclosing in the advertisement the price of all such products or services, except that certain contractual plans or arrangements, as specified, would be excluded from this provision. Certain publishers and broadcasters who publish or broadcast an advertisement or offer in good faith without knowledge of its violation of that provision would be excluded therefrom. A violation or proposed violation of that provision also would be subject to certain civil sanctions

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 644 (AB 2522) Tucker. Military service and California National Guard.

(1) Under existing law, a member of the governing board of a school district may be absent from the state for more than 60 days only upon board business or, with the consent of the board, for an additional period not to exceed a total absence of 90 days.

This bill would, in addition, permit absence for federal military deployment not to exceed 6 months as a member of the armed forces of the United States or the California National Guard

(2) Under existing law, the Adjutant General is chief of staff to the Governor and commander of all state military forces

This bill would authorize the Adjutant General to conduct a feasibility study relative to establishing a California National Guard memorial cemetery at Camp San Luis Obispo for National Guard members discharged under honorable conditions after 20 or more years service or who were killed in the line of duty while serving on active duty and their spouses.

(3) Under existing law, the AWOL Abatement Program Fund receives all court-martial and disciplinary punishment fines and penalties, which are then appropriated to the Military Department for the 1983-84 and 1984-85 fiscal years for purposes of programs to reduce absence without leave by members of the National Guard.

This bill would extend this appropriation to include the 1985-86 fiscal year, thereby making an appropriation

Ch. 645 (AB 2487) Jones. Bank and corporation taxes depreciable assets

Under the existing Bank and Corporation Tax Law, if, within the 12-month period beginning on the date on which a corporation adopts a plan of complete liquidation, all of the assets of the corporation are distributed in complete liquidation, less assets retained to meet claims, then no gain or loss is to be recognized to that corporation from the sale or exchange by it of property within that 12-month period. However, those general rules do not apply if specified provisions relating to complete liquidations of subsidiaries are applicable

This bill would, in those cases where that general rule is inapplicable for the reasons stated above, prescribe special rules providing relief to certain minority shareholders similar to rules under existing federal income tax laws.

This bill would also prescribe rules similar to existing federal laws governing the treatment of LIFO inventory of liquidating corporation in an approved 12-month liquidation.

Under the existing Personal Income Tax Law, tax tables computed by the Franchise Tax Board must be promulgated by regulation by the board

This bill would delete the requirement that the tax tables be promulgated by regulation

Under the existing Bank and Corporation Tax Law, the taxpayer may elect to use the last-in, first-out (LIFO) method of inventory valuation

This bill would require the Franchise Tax Board to permit the use of suitable published governmental indexes, as specified, for purposes of that method.

Under the existing Bank and Corporation Tax Law, if any corporation initiates a motion to quash a subpoena, as specified, and that corporation is the corporation with respect to whose liability the subpoena is issued (or is the agent, nominee, or other person acting under the direction or control of that corporation), then the running of any period of limitations under a specified statute relating to deficiency assessments or under a specified statute relating to false or fraudulent returns, with respect to that corporation, must be suspended for the period during which a proceeding, and appeals therein, with respect to the enforcement of that subpoena is pending.

This bill would additionally, under those circumstances, suspend the running of any period of limitations under a specified statute relating to criminal prosecutions.

This bill would renumber various statutes dealing with the effects of corporate liquidations on the corporate distributions.

Under the existing Personal Income Tax Law and Bank and Corporation Tax Law, in the determination of any case arising under those laws, the rule of *res judicata* is applicable only if the liability involved is for the same year as was involved in another case previously determined.

This bill would provide that in specified actions for refund brought by a taxpayer, in addition to the defenses or relief sought in the action, the Franchise Tax Board shall assert in defense only those unpaid liabilities of the taxpayer for the same year which are evidenced either by (1) a final proposed assessment, (2) a notice of tax due, or (3) a final notice of action. It also would provide that any refund claim of a taxpayer for the same year resulting from a federal audit adjustment made subsequent to the filing of the action need not be asserted by the taxpayer in that action.

This bill would take effect immediately as a tax levy

Ch. 646 (AB 3765) Condit Weights and measures

(1) Existing law authorizes the Department of Food and Agriculture to establish a tare or tares for each of the several types of containers and pallets used in making deliveries of edible agricultural commodities, as specified

This bill would delete this authorization.

(2) Existing law regulates the licensing and operation of 3 types of weighmasters. A public weighmaster is a person who weighs, measures, or counts any commodity and issues a statement or memorandum of the weight, measure, or count which is used as the basis of the purchase or sale of the commodity or is engaged in the business of public weighing for hire. A private weighmaster is a person who weighs, measures, or counts any commodity in which he or she has an interest as the seller and issues a statement or memorandum of the weight, measure, or count which is used as the basis of the sale of the commodity. A public weighmaster at large is any person who, other than at an established and defined place of business, engages, in the business of weighing, measuring, or counting for hire, as specified

This bill would repeal the laws relating to public weighmasters, private weighmasters, and public weighmasters at large and enact a new system for licensing and regulating the operation of weighmasters generally. The bill would specify, among other things, persons who are not weighmasters, reenact license fees for weighmasters to be deposited in the Department of Food and Agriculture Fund, which is continuously appropriated to the department for the purpose of regulating weighmasters, thus making an appropriation, specify the contents of a weighmaster certificate, and specify violations that constitute infractions or misdemeanors, thus imposing a state-mandated local program.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 647 (AB 2373) Herger Agriculture animals

(1) Under existing law, a violation of provisions relating to animal quarantine is a misdemeanor punishable by a fine of not less than \$100 or more than \$1,000 or by imprisonment for up to 6 months, or both

This bill would make these violations an infraction punishable by a fine of not more than \$100 for the first offense and a misdemeanor punishable by a fine of not less than \$100 or more than \$1,000 or by imprisonment for up to 6 months, or both, for a second or subsequent offense committed within 3 years of a prior conviction for violating these provisions.

(2) Existing laws relating to licensed meat processing and custom livestock slaughter establishments do not apply to owners who slaughter, on their own premises, animals of their own raising where the meat is not for sale, but used exclusively by the owners, their households, their households and members of their families, and nonpaying guests.

This bill would delete the exemption for members of the owner's family, but would retain the exemption for the owner's household, and would add an exemption for the owner's employees.

Ch. 648 (SB 1720) McCorquodale. Classified employees: readers for legally blind teachers.

Existing law provides for the employment of classified school district personnel to serve as teacher aides.

This bill would declare the legislative intent that the governing board of each school district employ qualified persons to serve as readers for the legally blind certificated classroom teachers of the district.

This bill would create the Reader Employment Fund, to be administered by the Superintendent of Public Instruction. From such funds as may be appropriated to the fund, the superintendent would be required to allocate to each applicant school district an amount sufficient to provide the legally blind teachers employed by the district with the services of a reader for a maximum of 15 hours per school week. The bill would also require the superintendent to establish the procedures and necessary forms for applications for that funding.

This bill would appropriate \$250,000 to the Reader Employment Fund for allocation by the Superintendent of Public Instruction pursuant to the provisions of this bill

Ch 649 (SB 1348) Carpenter Elections: county clerks

(1) Existing law requires a county clerk to cancel an affidavit of registration where, among other things, a voter makes a written request or personally makes a request to cancel the affidavit in the clerk's office.

This bill would specify that all requests be in writing and signed by the person making the request. It would also delete an obsolete cross-reference.

(2) Under existing law, all envelopes containing a sample ballot are required to contain a certain statement regarding absent voter ballots.

This bill would revise the content of that statement, but would allow the continued use of envelopes in existence on the effective date of this act.

Ch. 650 (AB 2905) N Waters Conditions, covenants, and restrictions

Existing law does not provide for the extension of specified conditions, covenants, and restrictions beyond their stated expiration date, if any

This bill would allow conditions, covenants, and restrictions which do not provide for an extension of their termination date to be extended beyond their stated expiration date upon the approval of more than 50% of the property owners subject to them, or any greater percentage specified in the conditions, covenants, or restrictions for an amendment thereto

Any extension would be limited to the initial term or 20 years, whichever is less

Ch 651 (AB 910) Vicencia Milk pooling

(1) Under existing law, the pooling plan for market milk, administered by the Director of Food and Agriculture and subject to recommendations by a formulation committee, is required to be annually adjusted by each component in the plan to reflect additional pool quota created due to increased usage of class 1 milk

This bill would instead require that adjustment to the plan be determined from the amount of new class 1 solids not fat usage which developed during the preceding annual period which exceeded the previous highest identical annual period since the enactment of the law relating to milk pooling

(2) Existing law authorizes the Director of Food and Agriculture to require handlers to make reports at such intervals and in such detail as he or she finds necessary for the operation of a milk equalization pool

This bill would make a technical change in the director's authorization.

Ch. 652 (AB 2791) Harris. Courts in forma pauperis

Existing law provides that forms and rules for litigants proceeding in forma pauperis are required to be formulated and adopted by the Judicial Council. These forms and rules, among other things, are required to provide for the disclosure of the current address of each adverse party known to the litigant, the date of birth of each adverse party if known to the litigant, and the name of any person paid by the litigant to prepare, or to assist in the preparation of, the documents submitted to the court, and the amount of money paid.

This bill would delete the requirement that the forms and rules disclose the above facts

Ch. 653 (SB 2136) L. Greene Residential housing developments.

Existing law does not contain a procedure allowing a party to protest the imposition of any fees, taxes, assessments, dedications, reservations, or other exactions on residential housing developments by local governmental entities.

This bill would permit any party to protest the imposition of those exactions in accordance with a specified procedure; would permit any party who so protests to file an action to attack, review, set aside, void, or annul those impositions, and would specify the effect of the filing of that protest or action upon conditional approvals of residential housing developments

Ch. 654 (AB 3636) Hannigan Transportation local transportation funds.

(1) Under the Mills-Alquist-Deddeh Act, transportation planning agencies, county transportation commissions, transit development boards, and operators are required to submit a performance audit by July 1 every 3 years, commencing with July 1, 1980.

This bill would instead require the performance audit to be submitted every 3 years pursuant to a schedule established by those agencies, commissions, and boards, as specified.

(2) Under the act, an operator receiving funds for specified transportation services is required, with specified exceptions, to use at least 15% of the funds received for capital expenditures

This bill would authorize, commencing with the 1983-84 fiscal year, any operator which ceases operation to transfer acquisitions purchased with these funds to any claimant to provide transportation services under the act

(3) Under the act, in order to receive allocations from local transportation funds, operators exempt from a specified 50% requirement are required to maintain specified ratios of fare revenue to operating costs

This bill would require, until July 1, 1987, in counties with less than 500,000 population as determined by the 1980 federal decennial census, that an operator which operates only within those counties, in order to be eligible for allocations under the act, maintain a ratio of $\frac{1}{5}$ in an urban area and $\frac{1}{10}$ in a nonurbanized area, or its otherwise required ratio pursuant to specified provisions minus $\frac{1}{20}$, whichever is greater.

(4) Under the act, until July 1, 1985, if an operator serves an area that was first designated as an urbanized area in the 1980 federal decennial census, the transportation planning agency may grant the operator time, but not after July 1, 1985, to meet the fare ratio requirement of operators serving urbanized areas.

This bill would extend the deadline for these operators to meet that fare ratio requirement to July 1, 1987

(5) The bill would take effect immediately as an urgency statute

Ch. 655 (AB 2208) Tucker Dogs

Existing law provides for the civil liability of an owner when a dog bites a person. Whenever a dog has bitten a human being upon two occasions existing law provides for the removal, destruction, or other action against the dog, as specified, but no criminal penalties are provided under these circumstances.

This bill would provide, in addition, for the removal, destruction, or other action, after hearing, against a dog trained to fight, attack, or kill, upon a bite causing substantial physical injury to a human being.

This bill would, in addition, impose a state-mandated local program by providing that any person owning or having custody or control of a dog trained to fight, attack, or kill, is guilty of a misdemeanor if, as a result of that person's failure to exercise ordinary care, the dog bites a human being, on 2 separate occasions or on one occasion causing substantial physical injury. No criminal liability would be incurred by the person, however, unless he or she knew or reasonably should have known of the vicious or dangerous nature of the dog, or if the victim failed to take all the precautions that a reasonable person would ordinarily take in the same situation. Following the conviction of an individual for this crime, the court would be required to hold a hearing, as specified, to determine what action, if any, should be taken against the dog to remove the danger to other persons presented by the animal. This bill would, in addition, declare that nothing in this provision shall authorize the bringing of an action based on a bite or bites inflicted upon a trespasser, upon a person who has provoked the dog or contributed to his or her own injuries, or by a dog used in military or police work if the bite or bites occurred while the dog was actually performing in that capacity, and nothing in this provision shall be construed to affect the liability of the owner of a dog under any other provision of law.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill would take effect immediately as an urgency statute

Ch. 656 (AB 2234) Hauser Commercial fishing licenses.

(1) Existing law provides for a commercial fishing license, entitling the holder to take fish for commercial purposes during a prescribed period, and specifies a fee of \$40 for that license.

Also, under existing law, until December 31, 1986, no person may take salmon for commercial purposes without obtaining a commercial fishing salmon stamp at a fee, determined by the Department of Fish and Game, not to exceed \$30.

Existing law also provides, until January 1, 1987, for an increase of the salmon stamp fee, as specified, and exempts licensees who are 70 years of age or older on a prescribed date from the application of this provision.

This bill would, notwithstanding those provisions, require the department to issue a commercial fishing license for \$20 and a commercial fishing salmon stamp for half of the established fees, as specified, to persons 18 years of age or younger who are students working on a vessel under the conditions prescribed in the bill, which include a requirement for the person to obtain a work permit from the State Department of Education, as specified. The Department of Fish and Game would be prohibited from issuing a commercial fishing license under these provisions if the person has been issued a license under these provisions in each of the preceding 3 years. The bill would also require the owner of a vessel upon which a person licensed under the bill is working to obtain and maintain in force a specified policy of insurance

The bill would also, until October 1, 1984, allow silver salmon to be taken for commercial purposes by a person who possesses a commercial fishing license for the places and times prescribed in the bill, except as specified

Under other existing provisions of the Fish and Game Code, a violation of the provisions of the bill would be a misdemeanor, thereby imposing a state-mandated local program.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

The bill would take effect immediately as an urgency measure

Ch. 657 (SB 1681) Stiern. School districts: regulation by cities and counties.

(1) Under existing law, a school district is generally not subject to city or county building ordinances and, with certain exceptions, may by a $\frac{2}{3}$ vote of its governing body make city or county zoning ordinances inapplicable to a proposed use of property by the school district

This bill would require that the governing board of a school district comply with any city or county ordinance regulating drainage improvements and conditions, regulating road improvements and conditions, or requiring the review and approval of grading relating to the design and construction of onsite facilities and improvements, and give consideration to ordinances relating to the design and construction of offsite improvements. The bill would thereby impose a state-mandated local program.

The bill would make a city or county immune from liability for any injuries or damage to property caused by the failure of a school district to comply with requirements of a city or county ordinance relating to the design and construction of offsite improvements.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(3) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1991, the provisions contained in the bill for which state reimbursement is required

Ch. 658 (SB 1411) Royce. Driver's license. suspension, restriction, or delay drug and alcohol offenses.

(1) Under existing law, the Department of Motor Vehicles is required to revoke the driver's license of any person under 18 years of age who is convicted of, or found by a juvenile court to have committed, the offense of driving while under the influence of alcohol, drugs, or both, driving with a blood alcohol level of 0.10% or more, or driving while addicted to a drug.

This bill would permit court-imposed suspension, restriction, or delay of driving privileges for any person convicted of, or found by a juvenile court to have committed, specified other offenses involving alcohol or controlled substances when the person was under 18 years of age. The duration of the suspension, restriction, or delay of driving privileges would be up to one year or the person's 17th birthday, whichever is longer. However, for persons with a prior suspension, restriction, or delay of driving privileges under the bill, the suspension, restriction, or delay could be extended until the person reaches age 18. A court imposing a suspension, restriction, or delay of driving privileges could reduce it at the request of the affected person

The bill would impose a state-mandated local program by making it an infraction to violate driver's license restrictions imposed pursuant to the bill.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 659 (AB 628) McAlister. Credit unions.

Existing law provides that every credit union may issue shares to any qualified member.

This bill would specify that the member be qualified pursuant to the bylaws of the credit union. The bill would also provide that a credit union may issue shares to an officer, employee, or agent of nonmember units of federal, Indian tribal, state, or local governments, and political subdivisions thereof.

Existing law provides that the legislative body of a local governmental agency having money in its custody, in a sinking fund of, or surplus money in, its treasury not required for the immediate necessities of the local agency may invest in, among other things, negotiable certificates of deposit issued by a state or national bank or a state or federal savings and loan association or by a state-licensed branch of a foreign bank.

This bill would permit, in addition, investment in negotiable certificates of deposit issued by a state or federal credit union, except as otherwise provided.

Existing law provides that as far as possible, all money belonging to, or in the custody of, a local agency, shall be deposited in state or national banks or state or federal savings and loan associations in the state selected by the treasurer or other official having legal custody of the money. Existing law also provides that such moneys may be invested in specified types of commercial paper, bonds, notes, and other obligations, including negotiable certificates of deposits issued by a nationally or state-chartered bank or state or federal savings and loan association.

This bill would provide that such public moneys may also be deposited in a federal or state credit union in this state and that such moneys may be invested in negotiable certificates of deposits issued by a federal or state credit union, except as otherwise provided.

The bill would also amend various other provisions relating to the deposit of funds by local governmental agencies with respect to deposits in federal or state credit unions.

The bill would provide that those provisions relating to deposits and investments of public moneys will become operative upon the enactment of a constitutional amendment permitting the Legislature to provide for the deposit of public moneys in any federal or state credit union in this state.

Ch 660 (SB 1112) McCorquodale Developmental disabilities

Under existing law, the State Department of Developmental Services is required to establish and maintain an equitable system of rates of payment to providers of residential and nonresidential services. Existing law establishes the intent of the Legislature that day programs in the community be planned and provided as part of a continuum of services to enable persons with developmental disabilities to approximate the pattern of everyday living available to nondisabled people of the same age, and the intent of the Legislature that an equitable system of rates for day programs purchased by regional centers be developed.

This bill would require the department to adopt regulations establishing standards and establishing a mechanism for setting equitable rates for day programs purchased by regional centers by specified times. The bill would exempt the regulations establishing the rates from the review process of the Office of Administrative Law. The bill would require the regional center to monitor compliance with program standards. The bill would require the department to adopt procedures for the appeal of rates set for day programs. It would also require the department to report to the Governor and Legislature, as specified.

Ch. 661 (SB 1444) Campbell. Republican State Central Committee.

Existing law prescribes the membership of the Republican State Central Committee. This bill would require the membership of that committee to include the candidate who was nominated at the June 8, 1982, special primary election conducted in the former 30th congressional district. That candidate, as a nominee member, would be entitled to make appointments to the committee.

The bill would take effect immediately as an urgency statute.

Ch 662 (SB 946) Presley Health: hazardous substances. toxic preservatives

(1) Existing law authorizes certain state funds from the Hazardous Substance Control Account to be expended by the State Director of Health Services for specified purposes related to hazardous substance cleanup.

This bill would require that any treatment, storage, transfer, or disposal facility built

on the Stringfellow Quarry Class I Hazardous Waste Disposal Site for the purpose of specified remedial or removal actions only be used to treat, store, transfer, or dispose of hazardous substances removed from that site.

(2) Under existing law, there are various provisions relating to the control of toxic chemicals

This bill would provide for all of the following additional requirements:

(a) It would prohibit the use of state funds by state agencies, various entities of local government, and specified child care centers for purchasing wooden playground or recreational equipment treated with enumerated chemicals. It would also make the prohibition apply with respect to the maintenance or upkeep of any wooden structures unless the structures have been treated with nontoxic and nonslippery sealers

(b) It would require the State Department of Health Services to report to the Legislature by January 1, 1986, on the hazards of certain wood treatment products. It would appropriate \$30,000 to the department for this purpose.

(3) This bill would repeal the provisions described in (2) above on January 1, 1987.

Ch. 663 (SB 1569) Johnson. Fair and Exposition Fund.

(1) Under existing law, moneys in the Fair and Exposition Fund are annually appropriated for specified fair purposes. However, on and after July 1, 1984, no moneys in any continuously appropriated fund may be encumbered unless a statute specifies that the moneys in the fund are appropriated for encumbrance.

The bill would, notwithstanding Section 13340 of the Government Code, continue specified annual appropriations from the fund and thereby make an appropriation. The bill would delete the annual appropriation of \$125,000 from the fund to the 48th District Agricultural Association, but would make the association eligible for an apportionment of up to \$85,000 per year from the fund.

(2) Under existing law, unallocated balances of specified moneys in the Fair and Exposition Fund are appropriated at the end of the fiscal year for allocation by the Director of Food and Agriculture for capital outlay to county, district agricultural association, combined county and district, and citrus fruit fairs for specified fair purposes.

This bill would delete the provision which makes the appropriation at the end of the fiscal year and would make this appropriation from the fund without regard to fiscal years.

(3) The bill would take effect immediately as an urgency statute.

Ch. 664 (AB 3622) Areias. Barbering.

Existing law provides for the regulation and licensing of persons engaged in the practice of barbering and provides that the State Board of Barber Examiners shall administer those provisions of law. Existing law authorizes the board, among other things, to either refuse to issue or renew, or suspend or revoke any certificate for any of the causes for disciplinary action.

This bill would authorize the board, through its duly authorized representatives and until December 31, 1987, to assess administrative fines for specified violations of law and would also authorize the board to either refuse to issue or renew, or suspend or revoke any certificate for failure to pay those administrative fines

Ch. 665 (SB 880) Mello. Coastal and inland resources. waterfront enhancement and restoration programs.

(1) Under existing law, the State Coastal Conservancy implements various programs within the coastal zone, as defined, including a program of enhancement of coastal resource projects. The conservancy is authorized to award grants to local public agencies and state agencies for the purpose of enhancement of coastal resources which, because of indiscriminate dredging or filling, improper location of improvements, or incompatible land uses, have suffered loss of natural and scenic values

This bill would, in addition, authorize the conservancy to award grants for purposes of enhancement of coastal resources, which, because of natural or human-induced events, have suffered loss of natural and scenic values

(2) The California Urban Waterfront Area Restoration Financing Authority Act provides for the issuance and sale of revenue bonds for the purposes of financing coastal and inland waterfront restoration projects, as prescribed. The existing provisions define

the term "project" for purposes of this act.

This bill would redefine projects for those purposes. The bill would revise the provisions relating to the powers and responsibilities of the California Urban Waterfront Area Restoration Financing Authority under the act.

(3) The bill would take effect immediately as an urgency statute

Ch. 666 (SB 1400) Robbins Income taxation. renters' credit.

Under the existing Personal Income Tax Law, an individual is allowed a renters' credit of a specified amount if, on March 1 of the taxable year, he or she was a resident of the state and rented and occupied premises in this state which constitute his or her principal place of residence. The credit is refundable to the extent it exceeds the qualified renter's tax liability.

This bill would allow the credit to an individual who was absent from the state on March 1 as a result of military service, but who was a resident of the state, as defined, and rented and resided in premises in this state during 50% of the taxable year, including January 1 or December 31. This bill would revise the refund provisions of the credit.

This bill would take effect immediately as a tax levy, but its operative date would depend on its effective date.

Ch. 667 (SB 895) Seymour Drivers' licenses

(1) Existing law provides for licensure of 4 classes of drivers.

This bill would require the Department of Motor Vehicles to establish two new certifications required to operate (a) specified motor vehicles carrying hazardous materials, including hazardous waste, and (b) combinations of vehicles with any tank configuration transporting bulk liquid loads.

The bill would require the department, in cooperation with the California Highway Patrol and State Department of Health Services, to adopt special requirements applicable to certification of drivers of vehicles hauling hazardous material or vehicle combinations with a tank configuration for transporting bulk liquid loads. The bill would prescribe requirements for these certifications, but would permit the department to accept employers' certificates of training or driving experience, as specified, and would require the department to charge a fee for original and renewal applications by employers to provide certifications of training or certifications of driving experience. The bill would prohibit employers who provide the certifications from charging employees for necessary training driving the employer's vehicles. The bill would also prohibit employers from requiring employees to obtain the certification unless the employee's duties, upon obtaining the certification, will include operation of vehicles requiring the certification.

The bill would temporarily exempt holders of class 1 or class 2 driver's licenses on the effective date of the department's certification regulations, from compliance with the department's requirements for certification of drivers of vehicles hauling hazardous material or vehicle combinations with a tank configuration for transporting bulk liquid loads. The exemption would terminate upon renewal of the person's class 1 or class 2 driver's license subsequent to that date.

The bill would require that abstracts of convictions of certain offenses, and abstracts of record of specified other dispositions of offenses related to safe operation of vehicles, that are transmitted to the department shall state whether the vehicle involved in the offense was transporting hazardous materials subject to prescribed placard requirements.

The bill would require the department to report on the certification program to the Legislature on or before July 1, 1986.

(2) Existing law authorizes the department to refuse to renew, suspend, or revoke the driver's license of a person who meets the definition of a negligent operator. Points are given for violations and accidents to determine who is a negligent operator for this purpose.

This bill would substantially revise these provisions to differentiate class 1 and class 2 licensed drivers and holders of specified driving certificates from other drivers and to redefine negligent operator for this purpose. The bill would also differentiate holders of those licenses and certificates for purposes of provisions relating to license suspension and revocation. The bill would make related, conforming changes.

(3) Under existing law, persons convicted of driving under the influence of alcohol or drugs, or both, or certain related offenses are subject to suspension of their driving privileges. Upon a first offense, this is discretionary with the court. Existing law also requires the court to restrict rather than suspend the driver's license where probation is granted, as specified.

This bill would require driver's license suspensions in all of the above cases if the offense occurred in a vehicle requiring a class 1 or class 2 driver's license or requiring a driver certification for hauling hazardous materials.

The bill would require the department to issue a restricted class 3 driver's license to a driver with a class 1 or class 2 license suspended under these provisions if the court grants probation and requires, as a condition of probation, that the person complete a county-approved alcohol or drug education program

(4) Under existing law, the department is required to develop a notification process for notifying employers or prospective employers, upon request, of traffic convictions and accidents of drivers employed to haul hazardous radioactive materials.

This bill would expand this process to include employers and prospective employers of drivers employed to haul all hazardous materials or to operate vehicle combinations with a tank configuration, as specified. The bill would expand the information to be supplied by the department to include the driver's current public record as recorded by the department, including, in addition to the above, driver's license suspensions and revocations and failures to appear. The bill would also limit the amount of fees charged to employers for the information to the amount necessary to defray the cost of the program

(5) The bill would become operative on July 1, 1985.

Ch. 668 (SB 2044) McCorquodale. Small business preference. service contracts

Existing law requires the Director of General Services and the directors of other agencies that contract for construction of state facilities to provide for a small business preference of 5% for the lowest responsible bidder meeting specifications, not to exceed \$50,000 for any bid. The preference is designed to facilitate the participation of small business, as defined, in state procurement and in construction contracts.

This bill would include service contracts within the provisions authorizing the granting of a small business preference to small businesses. The bill would also require the Department of General Services to develop regulations to implement its provisions. The provisions of the bill would be repealed on January [July]* 1, 1986.

Ch. 669 (SB 950) Petris. Health. pesticides and birth defects.

Existing law does not specifically require a program to study the effects of active pesticide ingredients on birth defects.

This bill would enact the Birth Defect Prevention Act of 1984, requiring the Department of Food and Agriculture to submit a report to the Legislature, no later than April 1, 1985, containing certain information on active pesticide ingredients currently registered in California and to submit a report to the Legislature, no later than July 1, 1985, containing a list of mandatory reproductive effects studies on file at the department. The bill would prohibit the conditional registration of any new active pesticide ingredient for which mandatory health effects studies are missing, incomplete, or of questionable validity, as stated, except as specified. The bill would require the department to report, by December 31, 1985, prescribed information for each active pesticide ingredient registered in California on that date and to identify, not later than December 31, 1985, 200 pesticide active ingredients, with specified exceptions, which the department determines have the most significant data gaps, widespread use, and which are suspected to be hazardous to people.

The bill would also require the department to determine, no later than September 1, 1986, whether or not a test has been initiated to fill the data gaps for the 200 pesticide active ingredients. If a test has not been initiated by that date, the department would be required to fill the data gaps in accordance with a procedure of federal law that permits the Administrator of the Environmental Protection Agency to obtain additional data on pesticides from federal pesticide registrants. In order to carry out this requirement, the bill would grant the same authority to the Director of Food and Agriculture to require specific information from pesticide registrants that the administrator has

under the applicable federal law.

The bill would require the director to determine, on or before March 1, 1987, whether tests have been initiated to fill the data gaps for each pesticide active ingredient and, if not, to obtain the required test results, utilizing assessments charged to the registrants of the ingredient for which a data gap exists, thus making an appropriation. The bill would permit the director to exempt a pesticide product which he or she determines has limited use or for which substantial economic hardship would result to users due to unavailability of the product, there is not significant exposure to the public or workers, and the product is otherwise in compliance with federal law. The bill would prohibit the director from granting exemptions for all products containing the same active ingredient under these provisions unless it is determined that the ingredient has only limited use, there is insignificant exposure to workers or the public, and the product complies with federal law.

The bill would require the director to take specified cancellation or suspension action against any pesticide product containing an active ingredient presenting significant adverse health effects, as provided.

Ch 670 (SB 1438) Craven Political Reform Act: committee. disclosure

Under the Political Reform Act of 1974, any person or combination of persons who make contributions totaling \$5,000 or more in a calendar year to or at the behest of candidates or committees is considered to be a committee and is required to file specified campaign reports

This bill would revise the amount to \$10,000 and require candidates and committees who receive contributions of \$5,000 or more to notify the contributor that he or she may be required to file campaign reports

The Political Reform Act of 1974, among other things, imposes duties on candidates for public office, office holders, certain contributors, and lobbyists.

The bill provides for penalties, as specified

This bill would further provide that any person, as specified, who purposely or negligently causes another to violate any provision or who aids and abets another in violation of any provision is liable under the administrative sanctions of the act

This bill would also provide that no civil action may be filed with regard to any person when the commission has issued an order against that person for the same violation.

This bill would further provide that the commission may bring a civil action, as specified, for the purpose of collecting unpaid penalties and fees

Ch. 671 (SB 1762) Deddeh Retirement allowances--PERS: limited adjustments

The Public Employees' Retirement Law (1) requires annual adjustments, effective on April 1 of each year, in monthly allowances based upon cost-of-living changes as indicated by a specified price index; (2) generally limits the annual cost-of-living adjustments in allowances of retired state members, retired school members, and retired local members whose employer did not elect for a higher rate, to 2% compounded, (3) authorizes contracting agencies to elect for increased adjustment of 3%, 4%, or 5%, compounded, per year; (4) provides, under specified conditions, for additional quarterly increases from any funds in a specified special account, of up to 10%, for the period from October 1, 1982, through September 30, 1984; and (5) provides, under specified conditions, for specified quarterly payments commencing on January 1, 1984, from any funds available in the Investment Dividend Disbursement Account for the purpose of increasing purchasing power, as specified.

This bill would require the transfer from any funds in the Investment Dividend Disbursement Account, not then needed for the purposes of item (5) above, the amount herein required, to a special account which would be appropriated to the Board of Administration without regard to fiscal years, for use solely for purposes of paying additional specified noncumulative quarterly increases from October 1, 1984, through December 31, 1988, whenever the board determines that sufficient funds exist for this purpose, in the allowances of every person eligible on September 30, 1984, for the adjustments provided by item (4) above, until those persons are receiving under item (5) above an amount equal to or greater than the amount payable under item (4) above

This bill would take effect immediately as an urgency statute

Ch. 672 (SB 2322) Petris. Arbitration: collective bargaining agreements

Existing law provides that a collective bargaining agreement between an employer and a labor organization is enforceable at law or in equity.

This bill would require a court to award attorney's fees to the prevailing party in a court action to compel arbitration of disputes concerning a collective bargaining agreement unless the other party has raised substantial and credible issues involving complex or significant questions of law or fact regarding whether or not the dispute is arbitrable under the agreement, and would require that the award be vacated and the sums paid be reimbursed to the payor if the dispute is later found to be not arbitrable under the agreement.

This bill would also require a court to award attorney's fees to the prevailing appellee of an appeal of the decision of an arbitrator regarding disputes concerning a collective bargaining agreement unless the appellant has raised substantial issues involving complex or significant questions of law.

This bill would not apply to public employment

Ch. 673 (AB 2318) Leonard. State employees.

(1) Existing law requires the Director of Personnel Administration to adopt rules and regulations limiting the amount, time, and place of expenses and allowances to be paid to officers and employees of the state while traveling on official state business.

This bill would, in addition, permit the director to authorize higher allowances than those provided by current regulations for reimbursement of traveling expenses of officers and employees of the state while traveling on official state business in the greater Los Angeles metropolitan area during, or immediately before or after, the 1984 Olympics

(2) Existing law specifies the holidays to which employees are entitled, and provides each employee with one personal holiday each calendar year.

This bill would delete Admission Day from the holidays to which an employee is entitled, would add the third Monday in January and the day after Thanksgiving as new holidays to which an employee is entitled, would provide each employee with one personal holiday per fiscal year after completion of 6 months' state service, to be credited on the first of July, and would make other related changes.

(3) Existing law provides industrial disability leave for state officers and employees temporarily disabled by illness or injury arising out of the employment in lieu of workers' compensation benefits.

This bill would provide an enhanced industrial disability leave benefit for specified corrections and firefighting employees not subject to collective bargaining as designated by the Director of Personnel Administration

(4) Existing law authorizes the Department of Personnel Administration to prescribe conditions for out-service training for state employees. It requires the department to report annually to the Governor and to the Legislature on its activities in this area.

This bill would delete the requirement that the department report annually to the Governor and to the Legislature.

(5) This bill would approve provisions which require expenditure of funds of specified memoranda of understanding entered into between the state and specified employee organizations

(6) This bill would take effect immediately as an urgency statute.

Ch. 674 (AB 529) Elder. State employees.

(1) Existing law does not provide for an accident reduction incentive program covering state civil service employees.

This bill would permit the Department of Personnel Administration, after consultation with the Office of Insurance and Risk Management in the Department of General Services, to meet and confer with representatives of the recognized employee organizations which represent state civil service employees on the implementation of an accident prevention incentive award program covering employees in a bargaining unit.

This bill would also specify the purpose of the program, and would require the department to report to the Legislature annually on the success of any programs implemented.

(2) The Public Employees' Retirement Law prescribes contributions and benefits for state miscellaneous members of the Public Employees' Retirement System, including, among others, earliest retirement at age 50 with 5 years of service, a normal retirement age of 63 years, an annual cost-of-living adjustment of 2% compounded, a 3-year "final

compensation" and a 2%-at-age-60 benefit computation formula.

This bill would make available on and after January 1, 1985, to state miscellaneous members, as specified, an alternative, optional retirement plan, designated Two Tier with, among other things, earliest retirement at age 55 with 10 years of service, a normal retirement age of 65 years, an annual adjustment of allowances of 3% compounded annually, and a .7500%-at-age-55 to 1.2500%-at-age-65 benefit computation formula. This bill would also make various other related and technical changes.

(3) Existing law provides that a state employee enrolled in a health benefits plan under the Public Employees' Medical and Hospital Care Act who is granted a leave of absence without pay under the State Civil Service Act and the rules of the State Personnel Board shall be entitled to have his or her coverage and the coverage of any family members continued for the duration of the leave of absence upon his or her application and upon assuming payment of the contributions otherwise required of the employer.

This bill would instead specify that this provision applies to an employee who is granted a leave of absence without pay under the State Civil Service Act and the rules of the Department of Personnel Administration, rather than the State Personnel Board.

(4) This bill would appropriate \$766,900 from the Public Employees' Retirement Fund to the Board of Administration of the Public Employees' Retirement System, without regard to fiscal year, for implementation of item (2) above, as specified.

(5) Items (2) and (4) above would not become operative unless and until SB 1139 of the 1983-84 Regular Session becomes operative.

(6) This bill would take effect immediately as an urgency statute.

Ch. 675 (AB 2955) Stirling. State employees not subject to collective bargaining benefits.

Existing law requires the Department of Personnel Administration to adopt emergency regulations to implement employee benefits for state officers and employees excluded from, or otherwise not subject to, collective bargaining.

This bill would remove the reference to emergency regulations and would authorize, instead of require, the department to adopt these regulations and to amend regulations for this purpose.

Existing law does not expressly authorize the department to administer benefits for state employees not subject to collective bargaining.

This bill would authorize the department to provide by rule for vacation, sick leave, and bereavement leave benefits for specified state officers and employees, for supervisory employees, or nonelected officers and employees who are not members of the state civil service.

This bill would take effect immediately as an urgency statute.

Ch. 676 (SB 1139) Dills. State employees.

(1) Existing statutes require that layoff of state employees be made in accordance with the relative seniority of the employees in the class of layoff and exclude or limit credit, in the calculation of seniority, for service rendered prior to service breaks in excess of specified periods.

This bill would delete the exclusion, authorize crediting of service regardless of any service breaks, and make other related changes.

(2) Existing law permits the Department of Personnel Administration to negotiate with employee organizations regarding specified employee benefits.

This section would establish a Child Care Fund to be administered by the department for the purpose of funding pilot programs relating to state employee child care. Funds, as determined by the department, would be allocated thereto annually, from amounts appropriated in the annual Budget Act for employee compensation. The fund would be available for expenditure without regard to fiscal year.

(3) The existing Public Employees' Retirement Law defines, for retirement purposes, "compensation" as including, among other things, compensation for uniforms.

This bill would create an exception to the above definition for certain employees.

(4) The Public Employees' Medical and Hospital Care Act provides health benefits plan coverage to public employees and annuitants meeting the eligibility requirements prescribed by the Board of Administration of the Public Employees' Retirement System.

This bill would prohibit state employees and annuitants who become eligible on or

after January 1, 1985, for Part A and Part B of Medicare from enrolling in a basic health benefits plan, would authorize an employee or annuitant who is enrolled in Part A and Part B of Medicare to enroll in a supplemental plan to Medicare, would add related definitions, and would provide that state employees first hired on or after January 1, 1985, shall not be vested for the full employer contribution payable for annuitants unless the employee has, at the time of service retirement, 10 years of credited state service.

(5) Existing law permits the Board of Administration of the Public Employees' Retirement System to contract with carriers pursuant to the Public Employees' Medical and Hospital Care Act for basic health benefits plans, comprehensive benefits plans, and major medical plans, or to approve basic health benefit plans offered by employee organizations pursuant to specified conditions. These contracts are subject to renegotiation each year.

This bill would require the board, prior to the approval of proposed benefit and rate readjustments, to notify the Department of Personnel Administration of the proposed changes in writing.

(6) This bill would approve provisions which require expenditure of funds of specified memoranda of understanding entered into between the state employer and specified state employee organizations.

(7) This bill would also approve specified provisions which require expenditure of funds of specified memoranda of understanding between the state employer and the California State Employees' Association in which the parties agree to a second-tier retirement plan, and would state the intent of the Legislature that a second-tier retirement plan be implemented in subsequent legislation.

(8) This bill would not become operative unless and until AB 529 of the 1983-84 Regular Session becomes operative

(9) This bill would take effect immediately as an urgency statute

Ch. 677 (AB 2213) Lancaster. State Building Standards Commission.

(1) Under existing law, there is an Executive Secretary of the State Building Standards Commission.

This bill would redesignate that position as Executive Director of the State Building Standards Commission.

(2) Under existing law, proposed regulations of state agencies are required to be reviewed and published by the Office of Administrative Law, except that this requirement is not applicable to any building standard which is subject to the approval of the State Building Standards Commission

This bill would make applicable to the State Building Standards Commission's review and approval of those building standards, certain procedures currently applicable to the Office of Administrative Law's review of state regulations, and would require the publication of proposed building standards by the Office of Administrative Law

Ch. 678 (AB 2433) Klehs. Taxation.

Existing statutory law relating to property taxation provides that whenever shares or other ownership interests representing cumulatively more than 50% of the total interests in a legal entity, as specified, are transferred by one of the original coowners in one or more transactions, a change in ownership of that real property owned by the legal entity shall have occurred, and the property which was previously excluded from change in ownership shall be reappraised.

This bill would delete obsolete language in that provision referring to new original coowners.

Under existing law, as a prerequisite to the allowance of the welfare exemption with respect to taxes on real property, the interest of the claimant in the property must be of record on the lien date in the office of the recorder of the county in which the property is located. Failure of the claimant to establish the fact of that recordation to the assessor constitutes a waiver of the exemption

This bill would permit a claimant for the welfare exemption which on the lien date has a possessory interest in publicly owned land, owns water rights, or owns improvements on land owned by another in lieu of that recordation to file a copy of the document giving rise to that possessory interest or water rights or to file a written statement attesting to the separate ownership of those improvements with the assessor. It also

would provide that such document copy or written statement shall not be required annually following the year in which it has been filed but shall remain in effect until such time as that possessory interest terminates or ownership of the water rights or improvements transfers

Under the California Timberland Productivity Act of 1982, among other things, the name of a "timberland preserve zone" was changed to "timberland production zone."

This bill would make various changes to existing provisions to reflect that change in terminology.

Existing law provides for the filing of a change in ownership statement containing specified information whenever a change in ownership of real property or a mobile-home subject to local property taxation occurs, including a change in control of a corporation or other legal entity, as defined.

This bill would make various technical supplemental changes in these reporting provisions.

Under existing law, the assessor is required to furnish, upon or prior to completion of the local roll, specified information to each assessee by regular mail to the assessor's latest address known to the assessor. However, for properties receiving the homeowners' or veterans' exemptions, that notice is to be directed to the same address to which the homeowners' or veterans' exemption claim forms were sent

This bill would repeal those specific provisions requiring the notice to be directed to the same address to which the homeowners' and veterans' exemption claim forms were sent

Chapter 1058 of the Statutes of 1982, among other things, deleted all provisions relating to the Timber Tax Reserve Fund

This bill would repeal two obsolete provisions relating to the Timber Tax Reserve Fund

Existing law requires, with certain exceptions, that all meetings of all state agencies be open and public.

This bill would provide that existing provisions requiring meetings to be open and public shall not be construed to prevent the State Board of Equalization from holding closed sessions for the purpose of hearing confidential taxpayer appeals or data the public disclosure of which is prohibited by law.

Existing law provides special rules for the preparation of the 1979-80 and 1980-81 fiscal year assessment rolls, for the suspension of certain mandatory duties for the 1979-80 fiscal year, and for the exemption of a portion of assessed value of real property on the 1978-79 unsecured roll

This bill would repeal those provisions.

Existing law, in effect until January 1, 1985, and applicable only to Los Angeles County, provides that, with the exception of information requested by the assessor or furnished in connection with property statements or change in ownership statements and certain records exempt under the California Public Records Act, any information and records in the assessor's office which are required by law to be kept or prepared by the assessor, other than homeowners' exemption claims, are public records and are open to public inspection. It also permits the county to impose, upon the requester of information that the assessor is not required by law to prepare or keep, a fee that is reasonably related to the direct and indirect costs incurred by the county in developing and providing that information.

This bill would make those provisions operative indefinitely. It also would change the term "inheritance tax referees" to "probate referees" in provisions dealing generally with disclosure of information in the assessor's records.

Under existing law, for the 1980-81 fiscal year and fiscal years thereafter, business inventories are exempt from taxation, and the assessor shall not assess business inventories.

This bill would repeal various statutes relating to the taxation of personal property enacted prior to the enactment of the exemption for business inventories, including provisions relating to (1) property in transit; (2) goods imported from foreign countries in containers, (3) personal property consigned for sale, (4) wine, winery product, or brandy produced or manufactured in California held in bond by a licensed winegrower, wine blender, or manufacturer, and (5) distilled spirits in a controlled stock area

Under the existing Private Railroad Car Tax Law, a procedure exists for filing a

petition for reassessment and for a hearing on the petition

This bill would permit a petitioner to request the State Board of Equalization to close to the public a portion of the hearing by filing a declaration under penalty of perjury that evidence is to be presented which relates to trade secrets, the disclosure of which will be detrimental to the business interests of the owner of the trade secrets.

This bill would correct or delete erroneous or obsolete section cross-references or provisions which are contained in various statutory provisions, relating to, among other things, the following subjects: (1) the adoption of rules and regulations by the State Board of Equalization; (2) duties of the State Board of Equalization when valuing property, (3) the annual allocation of timber yield tax revenues; (4) the conduct of hearings on property tax assessments and the hearing officer's report; (5) claims by local agencies or school districts for offsetting local savings against state reimbursements; (6) tax clearance certificates in connection with the registration of used mobilehomes; and (7) the designation of timber value areas by the State Board of Equalization.

This bill would also make other technical nonsubstantive changes in various state tax laws.

Ch. 679 (AB 2608) Seastrand. State park system. rules and regulations.

Under existing law, rules and regulations adopted by the Department of Parks and Recreation with respect to the state park system are applicable on any granted or ungranted tidelands or submerged lands abutting property of the department and used for recreational purposes by members of the general public in conjunction with their use of the department's property between the boundary of the lands under the jurisdiction of the department and a line running parallel to and 1,000 feet waterward of the ordinary high water mark, so long as the rule or regulation is not inconsistent with any rule or regulation of the public agency having jurisdiction over the tidelands and submerged lands.

This bill would make those rules and regulations applicable so long as they are not inconsistent with any rule or regulation of any other public agency which is applicable to those tide or submerged lands

Ch. 680 (AB 2831) McClintock. Wards.

Existing law provides for the review of the cases of wards of the juvenile court by the Youthful Offender Parole Board. The failure of the board to hear or review the case of a ward as required by those provisions does not of itself entitle the ward to discharge from the control of the Youth Authority but entitles the ward to petition the superior court for a discharge.

This bill would provide that a ward whose annual review hearing is delayed beyond one year after the previous annual review hearing would be entitled to notice of the delay, and shall be informed of the reason for the delay, and the date the review hearing is to be held.

The bill would instead provide that failure of the board to review the case of a ward within 15 months of a previous review shall not of itself entitle the ward to discharge from control of the Youth Authority.

Ch. 681 (AB 2950) McClintock. Fireworks.

Existing law authorizes the State Fire Marshal and other designated persons and entities, as specified, or any other public agency authorized to enforce state fireworks' regulations to seize certain fireworks in addition to other prescribed remedies.

This bill would authorize the above-described officials and entities to charge any person, firm, or corporation whose fireworks are so seized an amount sufficient to cover the cost of transporting, storing, and handling the seized fireworks. It would provide for the refund of this charge in certain instances

Ch. 682 (AB 3002) Rogers. Oil and gas: well records: open to public.

(1) Under existing law, all well records, including production reports, of any owner or operator filed with the Division of Oil and Gas of the Department of Conservation are public records under the California Public Records Act, unless the owner or operator requests the division in writing to maintain the records confidential.

This bill would define an exploratory well to be the same as a prospect well and would

permit well records of onshore and offshore exploratory wells to be maintained confidential upon request of the owner or operator in writing. The records of other wells could be maintained confidential if the State Oil and Gas Supervisor determines, based upon information in a written request of a well owner or operator, that there are extenuating circumstances.

(2) Under existing law, the supervisor may extend the period of confidentiality to prospect or offshore well records based upon a written request documenting extenuating circumstances.

This bill would eliminate the limitation of those provisions to prospect and offshore records.

(3) Existing law limits the total period of confidentiality with respect to prospect wells to 4 years from the cessation of drilling operations.

This bill would make that limitation applicable to onshore wells instead.

(4) Existing law provides that, notwithstanding other provisions of law, well records for offshore wells become public records on the expiration of the lease if it expires prior to the period of confidentiality otherwise allowed under law.

This bill would instead provide that well records for onshore and offshore wells become public records upon a demonstration to the supervisor that the lease has expired or terminated.

Ch. 683 (AB 3092) Elder. STRS: potential tax liabilities-notice toll-free telephone line. appropriation.

(1) The State Teachers' Retirement Law (STRL) does not require the system to provide information relating to potential tax liabilities relating to retirement allowances.

This bill would require the system to inform a member, upon retirement, and at the beginning of the third year of retirement, that future tax liabilities may occur.

(2) The STRL does not specifically provide for telephone assistance for members, beneficiaries, and retirants.

This bill would require installation of a toll-free line for that purpose.

(3) This bill would appropriate from the Teachers' Retirement Fund.

(a) \$3,000 for item (1) above; and

(b) \$82,500 for item (2) above.

Ch. 684 (AB 3094) Elder. Classified personnel: election to terminate merit system.

Existing law requires the governing board of a school district or county board of education to conduct an election to determine whether the classified personnel of the district or county desire to have the merit system terminated upon submission of a valid petition, as specified. Existing law also imposes that requirement upon the governing board of a community college district.

This bill would impose a state-mandated local program by requiring the election to be held no earlier than 45 days and no later than 180 days after the date the petition was submitted to the governing board, and to be held during the regular school year.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 685 (AB 3229) McAlister. Insurance Holding Company System Regulatory Act: foreign insurers.

Existing law, for purposes of the Insurance Holding Company System Regulatory Act,

deems, with certain exceptions, every foreign insurer, where its gross premiums written in this state during 3 preceding fiscal years constitute 33% or more of its total gross premiums and it has written an average of more gross premiums in this state than its state of domicile during the same period, a "commercially domiciled insurer."

This bill would reduce that 33% premium amount to 20%.

Existing law specifies that every commercially domiciled insurer which the Insurance Commissioner finds has assets and evidences of title thereto physically located in this state is subject to the Insurance Holding Company System Regulatory Act unless the assets and evidences of title are \$5,000,000 or more, or more than its policyholder liability in this state, whichever sum is lesser.

This bill would delete that exemption

This bill would also permit the Insurance Commissioner to exempt from the act a commercially domiciled insurer, as specified, under such circumstances as the commissioner deems appropriate.

Ch. 686 (AB 3384) Farr. Cities. subsidiary districts. mutual service agreements.

Existing law prescribes procedures for reorganizing an existing district of limited powers as a subsidiary district of a city to be governed by the city council. Such proceedings may be initiated by the city when a change in the city boundaries would encompass all or a specified portion of the existing district.

This bill would permit a mutual service agreement between a city and a district of limited powers to prohibit the city from initiating a proposal to reorganize the district as a subsidiary district of the city during the time that the mutual services agreement is in effect, or for any period as is specified in the agreement

Ch. 687 (AB 3875) Filante Cities annexations.

(1) Existing law generally prohibits the annexation of territory to a city unless it is contiguous to the city at the time preliminary proceedings are initiated for the annexation of the territory. Existing law, however, does permit a city, upon approval of the local agency formation commission, to annex noncontiguous territory not exceeding 300 acres in area which is owned by the city and is being used for municipal purposes at the time the preliminary proceedings are initiated.

This bill would exempt from the 300-acre limitation territory which is used by a city for reclamation, disposal, and storage of treated waste water

The bill would impose a state-mandated local program by removing limitations on the annexation of territory by cities, thus conceivably increasing the number of annexation proposals to be conducted by county-funded local agency formation commissions

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 688 (SB 1311) Johnson. Sutter County flood control and water conservation.

(1) Under existing law, there is no special flood control and water conservation act for Sutter County

This bill would enact the Sutter County Flood Control and Water Conservation District Act which would create the Sutter County Flood Control and Water Conservation District to provide for countywide water conservation, development of water resources, and control of drainage, storm, flood, and other waters. The bill would specify the powers and duties of the district and provide for the management and financing of the district.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would impose a state-mandated local program by imposing various duties

upon the Board of Supervisors of Sutter County and other county officers and by requiring the district benefit assessment to be levied, collected, and enforced at the same time and in the same manner as county taxes.

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 689 (SB 1312) Johnson. Placer County flood control and water conservation

(1) Under existing law, there is no special flood control and water conservation act for Placer County.

This bill would enact the Placer County Flood Control and Water Conservation District Act which would create the Placer County Flood Control and Water Conservation District to provide for countywide water conservation, development of water resources, and control of drainage, storm, flood, and other waters. The bill would specify the powers and duties of the district and provide for the management and financing of the district.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by imposing various duties upon the Board of Supervisors of Placer County and other county officers and by requiring the district benefit assessment to be levied, collected, and enforced at the same time and in the same manner as county taxes.

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 690 (SB 1317) Marks. Local planning agencies

~~(1) * Existing law, contained in 6 articles of the Planning and Zoning Law, requires that a planning agency, which may be a planning commission, planning department, or the legislative body, be established by each county and city to carry out local planning, zoning, and land use functions as prescribed by law.~~

This bill would repeal the existing 6 articles and recast and consolidate the provisions in one article, and would repeal a provision authorizing planning commissions to contract with various public agencies and to receive grants and other financial assistance from the federal government.

The bill would declare the Legislature's intent to simplify the affected provisions

~~(2) Existing law permits licensed land surveyors to enter upon real property to investigate and utilize boundary evidence and perform surveys. No such authority exists for planning agency personnel.~~

~~This bill would permit planning agency personnel, in the performance of their functions, to enter upon any land and make examinations and surveys, so long as they do not interfere with the use of the land by persons entitled to its possession.*~~

Ch. 691 (SB 1322) Marks. Validations.

This bill would enact the Second Validating Act of 1984, which would validate the organization, boundaries, acts, proceedings, and bonds of counties, cities, and specified districts, agencies, and entities.

This bill would take effect immediately as an urgency statute.

Ch. 692 (SB 1323) Marks. Validations

This bill would enact the Third Validating Act of 1984, which would validate the organization, boundaries, acts, proceedings, and bonds of counties, cities, and specified districts, agencies, and entities

Ch. 693 (SB 1435) Johnson. State personal property: sale or exchange.

Existing law empowers the Director of General Services, with the consent of the state agency concerned, to authorize the sale or exchange of any personal property which belongs to the state if the sale or exchange is in the best interests of the state.

Existing law generally requires that all money belonging to the state received from any source whatsoever shall be accounted to the Controller and on order of the Controller

er shall be deposited in the General Fund.

This bill would require the Controller to remit money received by a state agency for the sale of personal property or surplus personal property to the General Fund, and would authorize this money to be made available by the Department of Finance for expenditure by the state agency in accordance with the annual Budget Act, as specified.

This bill would require that personal property which is designated as surplus by the Department of General Services, with concurrence with the state agency concerned, shall be sold or disposed of within one year, subject to the approval of the department, or possession and control of that personal property shall vest in the department, which may then sell or dispose of that personal property in the best interests of the state. It would require that the proceeds from that sale be deposited in the General Fund, less any amount sufficient for the department to recover its costs. It would, however, specify that personal property purchased with federal funds and later disposed of as surplus shall be disposed of in accordance with federal law.

Ch. 694 (SB 1459) B. Greene Shared-work agreements: contributions

Under existing law, employers may elect to participate in shared-work unemployment plans in which employees share in the work by reducing their work hours, in lieu of layoff, as specified.

Under existing law, employees in these plans are eligible to receive proportionately reduced unemployment compensation benefits.

Under existing law, which was effective July 28, 1983, any employer who participates in a shared-work program who has a negative unemployment insurance reserve account on June 30 of 2 consecutive years and whose reserve account has been charged for benefits under the shared work plan is required to pay, in addition to all other contributions, contributions for the calendar year next succeeding June 30 equal to the benefits paid.

This bill would authorize employers whose shared-work plan was approved prior to July 28, 1983, to instead pay contributions for calendar year 1983, 1984, or 1985, or any combination thereof, according to the tax rate, as specified.

This bill would also require the Director of Employment Development to inform employers who, on or after January 1, 1983, had in effect a work-sharing unemployment insurance plan, that the employer may elect to pay contributions according to the tax rate specified and that any erroneous amount paid in 1984 or 1985 under the previous rate may be credited to the employer's account. It would require employers to elect the specified method of paying contributions within certain time periods. After January 1, 1986, all employers in the work-sharing unemployment insurance plan would be subject to the rate under existing law and the above election would not be available to employers.

This bill would take effect immediately as an urgency statute.

Ch. 695 (SB 1503) McCorquodale Podiatry

(1) Under existing law, the Podiatry Examining Committee may recommend to the Board of Medical Quality Assurance the adoption, amendment, or repeal of the rules and regulations relating to the practice of podiatric medicine.

This bill would provide instead, that the committee may adopt, amend, or repeal, in accordance with the Administrative Procedure Act, regulations necessary to effect laws relating to the practice of podiatry, subject to the review and approval of the board, with specified exception. The bill would specify the procedure for the submission and approval of those regulations.

(2) Under existing law, the committee is required to establish a certification fee, not to exceed \$150 per applicant, for the regulation of podiatric surgery.

This bill would provide instead that the certification fee not exceed \$250 for podiatric surgery.

(3) Existing law provides that a maximum of 100 training positions shall be available in podiatric residency programs which are approved by the committee.

This bill would delete this provision.

(4) Existing law provides that the board shall issue a certificate to practice podiatric medicine to each applicant who meets specified requirements.

This bill would provide that the board shall issue the certificate upon the recommen-

dation of the committee.

(5) Existing law provides that the committee shall have full authority to investigate and evaluate each applicant for a certificate to practice podiatric medicine and to recommend to the board for final determination the admission of the applicant to the examination and issuance of the certificate to practice podiatry.

This bill instead would authorize the committee to make the final determination for admission of the applicant to the examination and the issuance of the certificate to practice podiatry.

(6) Existing law requires each applicant to show by official transcript or other evidence that he or she has successfully completed a medical curriculum, as specified, in a college or school of podiatric medicine approved by the board. The board, by regulation, is required to adopt standards for determining equivalent training.

This bill instead would provide that the committee shall approve the college or school of podiatric medicine from which the applicant submits the official documentation and the committee shall adopt the standards for determining equivalent training.

(7) Under existing law, the board may issue the certificate to practice podiatric medicine if the applicant has a diplomate certificate issued by the National Board of Podiatry Examiners of the United States and if the applicant meets other specified requirements.

This bill would require the board to issue the certificate to practice podiatric medicine under those circumstances and would add to the list of requirements that the applicant has satisfactorily completed postgraduate training, that the committee determines that no disciplinary action has been taken against the applicant by any licensing authority, and that no adverse judgments or settlements have resulted against the applicant which would evidence a pattern of negligence or incompetence.

(8) Existing law provides that the board, upon the recommendation of committee, shall issue the certificate to practice podiatry on the basis of reciprocity under specified circumstances but in no event to a person who graduated from a school or college of podiatry prior to July 1, 1958.

This bill would delete this provision and provide instead that applicants who do not qualify for reciprocity under specified standards shall take and pass an oral and practical examination to ascertain clinical competence. The bill would also revise the list of requirements that shall be met by the applicant prior to obtaining the reciprocity certificate to include, among others, requirements relating to postgraduate training. Additionally, this bill would set forth the basis for, and time limits on, reexamination of applicants who fail the oral and practical examination.

(9) Existing law requires the committee to administer the podiatry examination at least once a year.

This bill would require the examination to be given by the committee at least twice a year. Also, applicants would be required to take and pass the examination administered by the National Board of Podiatry Examiners.

(10) Existing law authorizes the board to delegate to any member of the board or to the committee its authority to approve applicants for admission to the examination and to approve the issuance of certificates. The committee has like powers of delegation to members of the board in routine cases where applicants clearly meet the requirements of these provisions.

This bill would delete the board's power of delegation and would vest the committee with the power to delegate its authority to officials of the committee instead of the board.

(11) Existing law authorizes the committee to take specified disciplinary action to enforce professional standards relating to the certificate to practice podiatry.

This bill would provide for the recovery by the committee of the costs of investigation and prosecution where a licensee has been found guilty of unprofessional conduct.

(12) This bill would make other technical and conforming changes.

Ch. 696 (SB 1647) Richardson. Water: special districts.

(1) Under the Mojave Water Agency Law, the Board of Directors of the Mojave Water Agency is required to hold its first meeting at noon on the last Friday in November next following the general agency election.

This bill would change the date of that meeting to the last regularly scheduled meeting date in November next following the election.

(2) Under the Bighorn Mountains Water Agency Law, directors of the agency receive \$30 for each attendance at meetings of the board.

This bill would authorize the directors to receive compensation for that attendance in an amount not to exceed the then current amount which may be received by directors of county water districts.

Ch. 697 (SB 1649) Stiern. Rabies control: misdemeanor.

(1) Under existing law, it is not a misdemeanor for a person to willfully conceal information about the location or ownership of any animal subject to rabies, which has bitten or otherwise exposed a person to rabies, with the intent to prevent the quarantine or isolation of that animal by the local health officer. Likewise, under existing law, it is not a misdemeanor for a person, after notice, to violate any order of a local health officer concerning the isolation or quarantine of an animal of a species subject to rabies, which has bitten or otherwise exposed a person to rabies, or who, after such an order, to fail to produce the animal upon demand of the local health officer.

This bill would create these misdemeanors, as specified.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill creates a state-mandated local program by creating new misdemeanors.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 698 (SB 1751) Montoya. Petroleum products

(1) Under existing law, it is unlawful for any person to make false or misleading statements, as specified, regarding price indications on petroleum dispensing devices and price signs.

This bill would make this prohibition applicable to any provision regarding the sale of petroleum products, thus imposing a state-mandated local program by creating a new crime.

(2) Existing law regulates the transportation of petroleum products in tank vehicles.

This bill would repeal and recast these provisions and make various changes.

(3) Existing law regulates the display of prices at motor vehicle fuel stations.

This bill would repeal and recast these provisions and make various changes.

(4) Existing law requires specified persons, including haulers, who distribute motor vehicle fuel products which contain at least 1% alcohol by volume, to state on the specified documentation used in business practices the percentage of alcohol, the type of alcohol, and the minimum antiknock index number.

This bill would delete haulers from the persons required to state this information on the documentation. The bill would also specify that the information regarding the antiknock index number applies to all motor vehicle gasoline distributed.

(5) Existing law regulates adulteration of petroleum products, enforcement of the laws relating to sale and distribution of petroleum products, and penalties for violation of laws relating to petroleum products.

This bill would repeal and recast these provisions and make various changes.

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 699 (SB 1773) Rosenthal. Electrical corporation: definition.

Under existing law, electrical corporations are public utilities subject to the jurisdiction of the Public Utilities Commission pursuant to the Public Utilities Act. That act defines "electrical corporation," among other things, as excluding a corporation or person generating electricity by means of cogeneration technology, landfill gas technol-

ogy, or other than a conventional power source where the electricity generated is for its own use, the use of its tenants, or for sale to an electrical corporation or a state or local public agency

This bill would expand this exclusion to permit a corporation or person generating electricity by means of cogeneration technology, landfill gas technology, or other than a conventional power source to generate electricity for the use of, or for sale to, not more than 2 other corporations or persons solely for use on the real property on which the electricity is generated or on real property immediately adjacent thereto

Ch 700 (SB 1870) Royce. Vehicles intersections U-turns.

(1) Existing law requires that U-turns made at an intersection controlled by official traffic control signals be commenced from the far lefthand lane available to traffic moving in the direction of travel from which the turn is commenced

This bill would make the same requirement applicable to intersections controlled by other official traffic control devices. Since violation would be an infraction, the bill would impose a state-mandated local program by creating a new crime.

(2) Existing law specifies conditions for erection of stop signs at intersections. Existing law prohibits erection of a stop sign at an intersection entrance controlled by an official traffic control ~~service~~ [device]*

This bill would, until January 1, 1990, exempt lawfully established intersection configurations in existence on January 1, 1985, which are under the jurisdiction of a city or county, from specified requirements. This bill would also revise existing requirements to prohibit stop signs in intersections controlled by official traffic control devices.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 701 (SB 1885) Ellis Building fees.

Existing provisions of the Subdivisions Map Act permit local agencies, as defined, to establish reasonable fees for the processing of maps and administration of these provisions of law

This bill would, with respect to single family and multifamily development projects, limit the authority of local agencies, as defined, to adopt or increase specified building fees

The bill would permit the legislative body of a local agency, by a $\frac{2}{3}$ vote, to increase building fees by an interim measure, as specified, to protect the public safety, health, and welfare

Ch 702 (SB 2025) Richardson Peace officers

Existing law provides that parole officers of the Department of Corrections and the Department of the Youth Authority are peace officers whose authority extends to any place in the state while engaged in the performance of their duties relating to parole as specified. These peace officers may carry firearms only if authorized and under terms and conditions specified by the directors of their employing agency. Existing law provides for increased penalties for assault and battery when committed against a peace officer

This bill would additionally provide that board coordinating parole agents employed by the Youthful Offender Parole Board are peace officers with the same scope of authority, but would provide that they shall not carry firearms.

This bill would express the intent of the Legislature to correct the omission of peace officer status of board coordinating parole agents employed by the board and to not affect law relating to employee benefits.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making

claims to the State Board of Control for reimbursement.

This bill, by enlarging the categories of peace officers, would provide for increased punishment for assault and battery and therefore would impose a state-mandated local program.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This act would take effect immediately as an urgency statute.

Ch 703 (SB 2081) Lockyer. Counties: library facilities and services

Existing law authorizes county boards of supervisors to provide "extended library facilities and services," as defined, within the county service area.

This bill would include within the term "extended library facilities and services," the payment of salaries and benefits of library personnel, and the acquisition, repair, or maintenance of library materials.

Ch. 704 (SB 2125) Hart. Superior courts: appellate department.

(1) Under existing law, the appellate department of a superior court consists of 3 judges, except that in a county with 50 or more judges of the municipal court, when the Chairperson of the Judicial Council finds it necessary, there are 4 judges.

This bill would instead provide for all counties that the appellate department of the superior court shall consist of 3 judges or, when the Chairperson of the Judicial Council finds it necessary, 4 judges.

(2) Existing law provides for the assignment of superior court judges to the appellate department of the superior court in a county.

This bill would revise the provision for the assignment of judges of the superior court to an appellate department, as specified.

Ch 705 (SB 1902) Seymour. Vehicles: proportionate registration.

Existing law authorizes the Reciprocity Commission, on a pilot basis, to enter into agreements with other jurisdictions to provide for proportionate registration and licensing that fosters the concept of the International Registration Plan of one license plate and one cab card. This authority expires January 1, 1985.

This bill would authorize the commission, on an ongoing pilot program basis, to enter into reciprocal agreements with other jurisdictions for registration of vehicles on an apportionment or allocation basis. The bill would also authorize the commission to make the state a member of the International Registration Plan and to adopt and enforce regulations to implement the plan in this state. For purposes of the International Registration Plan, the bill would define "fleet" as one or more apportionable vehicles, and would limit issuance of license plates and registration indicia to the base state. The bill would maintain present agreements entered into under the pilot program in full force and effect until abrogated by the commission or superseded by an agreement authorized by the bill.

Ch 706 (AB 2298) Condit. Agriculture

(1) Under existing law, for the purpose of the California Seed Law, the term "farm" is defined as a place of agricultural production of food or fiber which has annual sales of agricultural products of \$1,000 or more.

This bill would delete the words "of food or fiber" from this definition.

(2) Under existing law, the Director of Food and Agriculture is authorized to enter into marketing agreements with processors, distributors, producers, and others that are engaged in the handling of any commodity. These agreements regulate the preparation for marketing and handling of the commodity. Existing law relating to marketing orders generally applies to marketing agreements with specified exceptions.

This bill would exempt marketing agreements from termination or suspension provisions that are applicable to marketing orders, except for provisions that authorize the director to suspend or terminate a marketing order if the director finds that the marketing order is contrary to, or does not tend to effectuate, the Marketing Act of 1937.

Ch. 707 (AB 2359) Clute. Transportation: Transportation Planning and Development Account

Existing law requires the Secretary of the Business, Transportation and Housing

Agency to allocate funds from the Transportation Planning and Development Account in the State Transportation Fund to each transportation planning agency and county transportation commission, and the San Diego Metropolitan Transit Development Board on the basis of the population of the area under their respective jurisdiction, and these entities are required, in turn, to allocate the funds to the operators, as defined, and to counties and cities in their respective jurisdiction for specified purposes.

This bill would permit a transportation planning agency, a county transportation commission, or the San Diego Metropolitan Transit Development Board to make a transfer of the funds allocated for public transportation purposes to another agency, commission, or the board, subject to specified requirements, but only one transfer could be made between the same parties. Any transfer to the Los Angeles County Transportation Commission under the bill would be subject to specified expenditure and reporting requirements.

The bill would authorize the Los Angeles County Transportation Commission, from funds allocated to it on the basis of the population of the area under its jurisdiction, to allocate these funds to itself for the planning, design, and construction of an exclusive public mass transit guideway system

The bill would take effect immediately as an urgency statute

Ch. 708 (AB 2431) Young Cities, counties: bridge and roadway construction fees.

Existing law prescribes procedures pursuant to which cities and counties are authorized to adopt an ordinance requiring the payment of fees as a condition to approving a subdivision map or issuing a building permit, to be used to defray the cost of constructing bridges and major thoroughfares

This bill, with respect to the County of Orange and any city within that county, would, among other things, expressly permit modification of the method of apportioning fees among affected properties so as to reflect revised cost estimates, or the actual costs, of constructing bridges and thoroughfares and for automatic adjustment of fees based upon changes in the Consumer Price Index or some other indicator. The bill would also expressly permit a city to impose such fees as to any property in an area of benefit within the city's boundaries, for facilities shown on its general plan, or the general plan of the county, which are located outside the city, and would permit the county to expend fees for facilities located within cities in the county. It would allow the local legislative body, by a $\frac{2}{3}$ vote, to overrule a majority protest to a proposed improvement. It would impose a time limitation, and prescribe procedures, for contesting the validity of fees. The bill would make various technical changes

The bill would take effect immediately, as an urgency statute.

Ch. 709 (AB 2456) Lancaster Assault and battery

Existing law provides increased punishment for assault or battery when the victim is a peace officer or other specified person

This bill would provide increased punishment for assault or battery when the perpetrator is, and the victim is not, confined at any institution under the jurisdiction of the Youth Authority

The bill would create a state-mandated local program by increasing the punishment in a county jail in those cases.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 710 (AB 2548) Calderon. Consumer loans: automobile sales financing

Existing law regulates the assessment of finance charges on conditional sales contracts for the purchase of automobiles, as specified. Existing law specifies the maximum finance charge which may be collected on these contracts, depending on the method of computation

This bill would specify that the above provisions setting forth the maximum finance

charge which may be collected on conditional sales contracts for the purchase of automobiles shall apply when those contracts provide for unequal or irregular payments, or payments on other than a monthly basis.

Ch. 711 (AB 2769) Cortese. [State subventions local agencies.] ~~Motor vehicle license fees- local share.*~~

Existing law requires specified moneys in the Motor Vehicle License Fee Account in the Transportation Tax Fund to be annually allocated, as specified, to counties and cities in proportion to each entity's relative population. Any county or city and county that has had a census taken in the last 5 years may apply to the Department of Finance for a population estimate for purposes of that allocation.

This bill would permit counties and cities and counties to apply for the population estimate regardless of when the last census was taken.

Existing law also provides for allocations of funds, based on population, to each city, from the Cigarette Tax Fund, as well as allocations based on population to each city, county, and city and county, under the Off-Highway License Fee Fund.

This bill would provide that a city, insofar as the Cigarette Tax Fund is concerned, and a city, a county, or a city and county, insofar as the Off-Highway License Fund is concerned, may seek population estimates from the Department of Finance, as specified.

Ch 712 (AB 2793) Moore Telephone corporations: charges for calls not completed or services not rendered

Under existing law, the Public Utilities Commission exercises jurisdiction and control over public utilities, including telephone corporations, pursuant to the Public Utilities Act, which requires all charges of a public utility or 2 or more public utilities for the rendering of services or the furnishing of commodities to be just and reasonable, and prohibits the demanding of unjust or unreasonable charges.

This bill would direct the commission to investigate the billing practices of every telephone corporation, including whether the corporation is unable to ascertain that any call was not completed and may as a result charge the subscriber for that call. If the commission finds that any corporation does not have the capability of determining whether a call placed by a subscriber was completed, the bill would direct the commission to require the corporation to notify its subscribers of its billing practices, including its practice of charging for calls placed but not completed.

The bill would also direct the commission to institute an investigation into the liability of a telephone corporation for charges for calls not completed or service not rendered when the completion of the calls or the rendering of the service requires connection with another telephone corporation's line. It would require every telephone corporation to notify its subscribers of the decision in the proceeding, as may be directed by the commission.

Ch 713 (AB 2819) Condit. Processors of farm products

(1) Existing law requires that processors of walnuts, raisins, or prunes furnish reports by August 31 of each year to the Director of Food and Agriculture containing specified information showing the number of tons purchased by the processor in that crop. These reports are compiled, summarized, and published by the director whose costs are covered by fees paid by the processors.

This bill would also require processors to furnish specified reports to the director on or before December 10 of each year on the volume of freestone peaches processed for freezing and drying. The bill would also require processors to pay a maximum fee of 12¢ per fresh ton for freestone peaches handled to cover the director's costs in carrying out the requirements that the reports be compiled, summarized, and published. These fees would be deposited in the Department of Food and Agriculture Fund and would be continuously appropriated to the department for the purpose of covering the director's costs.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases,

for making claims to the State Board of Control for reimbursement

This bill would impose a state-mandated local program by creating a new crime.

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 714 (AB 2914) La Follette. Criminal records.

Existing law specifies the persons and entities that may receive state summary criminal history information under specified circumstances. Existing law provides for the furnishing of conviction records relating to sex crimes, as defined, concerning persons who apply for employment or volunteer for a position which involves supervisory or disciplinary power over a minor.

This bill would additionally provide for the furnishing of conviction records relating to drug crimes or crimes of violence, as defined, concerning persons who apply for employment or volunteer for a position which involves supervisory or disciplinary power over a minor.

Ch. 715 (AB 2940) Bergeson. Tidelands: County of Orange, City of Newport Beach.

Under existing law, certain tide and submerged lands have been granted in trust to the County of Orange and to the City of Newport Beach for specified public trust purposes and subject to specified conditions

This bill would make legislative findings and declarations as to specified portions of those tide and submerged lands surrounding Harbor Island, and would authorize the county and the city to lease those lands to the owners of adjacent upland residencies for the purposes set forth in specified existing leases for a period of 49 years or less, subject to specified terms and conditions

Ch 716 (AB 3084) Vasconcellos. Real estate education

Under existing law there is a separate account in the Real Estate Fund for the purposes of real estate education and research.

This bill would appropriate \$367,000 from the special account for real estate education and research in the Real Estate Fund to the Department of Real Estate for an endowment of \$367,000 to the Regents of the University of California for the establishment of professorships or chairs in Real Estate and Land Economics at the University of California at Berkeley and the University of California at Los Angeles

Ch 717 (AB 3174) Seastrand Economic poisons: licenses: labeling.

(1) Under existing law, every manufacturer, importer, or dealer of an economic poison, with specified exceptions, is required to obtain a license from the Department of Food and Agriculture before the economic poison is offered for sale. The manufacturer, importer, or dealer is also required to register the economic poison.

This bill would delete the requirement that the manufacturer, importer, or dealer obtain a license and instead require that these persons obtain a certificate of registration. The bill would make conforming changes to related provisions of law.

(2) Under existing law, an economic poison is misbranded if, among other things, the product contains arsenic in any form and the label fails to state the percentage of total and water-soluble arsenic, each calculated as elemental arsenic.

This bill would delete that labeling requirement.

Ch. 718 (AB 3239) O'Connell. Water conservation districts groundwater charge

Under existing law, a groundwater charge levied by a water conservation district is required to be computed at a fixed and uniform rate per acre-foot for agricultural water, and at a fixed and uniform rate per acre-foot for all water other than agricultural water.

This bill would permit a different fixed and uniform rate per acre-foot to be used to compute the charge for all water other than agricultural water used for irrigation purposes on parks, golf courses, schools, cemeteries, and publicly owned historical sites, but would require that charge to be established at a fixed and uniform rate for each acre-foot which shall not be less than the rate established for agricultural water, nor more than the rate established for all water other than agricultural water

The bill would also generally permit the board of directors to waive any minimal groundwater charge, the collection of which is determined by the board not to result

in net economic benefit to the district.

Ch. 719 (AB 3519) Areias Hazardous waste: notification

Existing law authorizes the State Department of Health Services, local health officers, and local public health officers to enforce certain provisions and regulations concerning hazardous waste handling and disposal.

This bill would require the department, the State Water Resources Control Board, and the California regional water quality control boards to notify certain local officials within 15 days after the department or board is informed or discovers an illegal or potentially hazardous disposal of hazardous waste or proposes to issue certain orders or file or settle an action concerning a disposal of hazardous waste within the locality. The bill would specify the information which the notice would include, would prohibit the inclusion of trade secrets in this information, and would require the department or board to inform the local officials if it determines that the information is not to be released to the public because of current or potential litigation.

Ch. 720 (AB 3673) Johnston. Municipal Courts: San Joaquin County.

Existing law provides for the personnel of the municipal court for the Manteca-Ripon-Escalon-Tracy Judicial District in San Joaquin County

This bill would revise the duties and conditions of employment of the clerk for that judicial district.

Ch. 721 (AB 3715) Johnston Harbors and waterways. loans

Under existing law, the Department of Boating and Waterways is authorized, under prescribed conditions, to make loans to cities, counties, and districts having the power to acquire, construct, and operate small craft harbors, for the planning, acquisition, construction, improvement, maintenance, or operation of small craft harbors and facilities in connection therewith

This bill would direct the department to encourage cities, counties, and districts that propose to apply for initial loan funding for new small craft harbor development projects to communicate and to work with private enterprise in order to determine if private business could construct and operate the project's revenue producing facilities under fair and reasonable terms.

The bill would prohibit the making of a loan to a local public entity for the initial phase of a new small craft harbor project for those project facilities that produce revenues, unless the local entity has held a public hearing, after notice as prescribed, on the feasibility of a private concessionaire or lessee constructing and operating the proposed project under a contract with the applicable public agency.

Ch. 722 (AB 3834) O'Connell. Arrests. driving under the influence of alcohol or drugs.

Existing law, with certain exceptions, authorizes a peace officer to make an arrest for a misdemeanor only if committed in the officer's presence or if pursuant to a warrant. As an exception to this limitation, a peace officer may arrest a person involved in a traffic accident if the officer has reasonable cause to believe the person had been driving under the influence of alcohol or drugs, or both

This bill would extend the above exception to permit a peace officer to arrest any person who the officer has reasonable cause to believe had been driving under the influence of alcohol or drugs, or both, if the officer observes the person in or about a vehicle obstructing a roadway. The bill would make legislative findings

Ch. 723 (AB 3977) Peace Pacific bonito.

(1) Under existing law, until January 1, 1985, Pacific bonito under a specified size may not be taken or possessed for commercial purposes except as specified. This statutory provision remains in effect only if the Director of Fish and Game finds and certifies that regulations on sport fishing of Pacific bonito of the Fish and Game Commission are in effect. This provision also remains in effect only if the sport bag limit does not exceed a specified amount. Until January 1, 1985, the measurement of Pacific bonito is required to be from the tip of the lower jaw to the center of the fork of the tail

The bill would extend the existing statutory limits on the taking or possession of Pacific bonito for commercial purposes from January 1, 1985, to January 1, 1988, and codifies the

provisions making the statutory limits on commercial taking effective conditional upon certain sport fishing regulations being in effect.

The bill would also extend the date that the requirement on the method of measurement of Pacific bonito would terminate from January 1, 1985, to January 1, 1988.

The bill would impose a state-mandated local program by postponing the date that a statutorily prohibited act, a violation of which is a crime, will be repealed, and, thereby, creates a crime during that extended period.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 724 (SB 1232) McCorquodale. Records.

The Information Practices Act of 1977 provides that no state agency shall disclose personal or confidential information, except as specified. One of the exceptions authorizes the disclosure to an adoptee of general background information on, but not including the identity of, his or her natural parents.

This bill would authorize the disclosure to a child or grandchild of an adoptee of medically necessary information on the adoptee's natural parents. It would require the State Department of Social Services to adopt regulations governing the release of this information

Ch. 725 (SB 1264) Robbins. Southern California Rapid Transit District: citizens' advisory committees.

Under the Southern California Rapid Transit District Law, the Southern California Rapid Transit District may provide a rapid transit system for passenger transportation by rail or bus.

This bill would authorize the district to establish, in a specified manner, citizens' advisory committees, as specified, before taking action on a route, grades, or station location for any portion of a rail transit system. The bill would require meetings of the citizens' advisory committees to be open to the general public and would require minutes of the committee proceedings to be taken and available for inspection at the district office.

Ch. 726 (SB 1394) Robbins. Surcharges and penalty assessments.

Existing law, set forth in the Government Code and the Penal Code, provides for various surcharges on parking fines and forfeitures, and assessments on fines, penalties, and forfeitures on certain criminal offenses, and surcharges on filing fees in civil actions, to be used solely for specified purposes relating to the construction and rehabilitation of courtrooms and other justice facilities and the improvement of criminal justice automated information systems. These provisions are applicable, as specified, in the County of Los Angeles, the City and County of San Francisco, and other counties.

This bill would repeal and reenact those provisions, as provisions of a single chapter in the Government Code, would modify provisions relating to the utilization of funds in Los Angeles County, and would make corresponding, nonsubstantive changes. The bill would also incorporate changes in those sections made by Chapter 9 of the Statutes of 1984.

The bill would become operative only if SB 850 is chaptered

Ch. 727 (SB 1427) Petris. Political Reform Act: disclosure: conflict of interest

Under the Political Reform Act of 1974, judges of courts of record are required to file annual financial disclosure statements, but are exempted from the conflict-of-interest provisions

This bill would extend the conflict of interest exemption to court commissioners and would subject these commissioners to the disclosure requirements of the act, as specified

This bill would also impose on court personnel other than judges and commissioners

of courts of the judicial branch of government, the conflict-of-interest and disclosure provisions of the act.

This bill would impose the conflict-of-interest provisions of the State Bar of California regarding disqualification and the disclosure provisions of the act on members of the board of governors, designated employees of the bar, and attorney members of the Commission on Judicial Performance.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

The bill would become operative July 1, 1985.

Ch 728 (SB 1436) Johnson Telecommunications.

(1) Existing law regulates the state's acquisition of electronic data-processing goods and services.

Under existing law, acquisition of electronic data-processing goods and services is required to be conducted through competitive means, except as specified, under appropriate criteria and procedures maintained by the Department of General Services.

~~(2)~~ * Existing law requires that contracts for these goods and services be awarded to the proposal which is the most cost effective, as specified, and authorizes the selection of a vendor on other than cost alone.

This bill would generally make these provisions applicable to the acquisition of telecommunications goods and services, would authorize the selection of a vendor on an objective basis other than cost alone, and would require compliance with the 5% small business preference if selection of a vendor is based on cost alone.

~~(2)~~ [(2)]* This bill would authorize the Newport-Mesa Unified School District to purchase certain personal computers with the price not to exceed \$80,000.

~~(4)~~ [(3)]* This bill would take effect immediately as an urgency statute.

Ch. 729 (SB 1476) Robbins Off-highway vehicles. removal or alteration of markers or signs.

(1) Existing law prohibits the placement on public land of off-highway signs, signals, and traffic control devices that are not in conformity with uniform standards and specifications of the Department of Transportation.

This bill would transfer responsibility for adopting these uniform standards and specifications to the Department of Parks and Recreation and would also require them to be approved by the Off-Highway Motor Vehicle Recreation Commission.

(2) Nothing in existing law specifically prohibits the removal or alteration of trail, danger, or directional markers or signs provided for the safety or guidance of off-highway motor vehicles.

Existing provisions of the Vehicle Code provides punishment for misdemeanors by a fine of up to \$1,000 or imprisonment in the county jail of up to 6 months, or both that fine and imprisonment.

This bill would make it a misdemeanor with the penalties prescribed for misdemeanor violations of the Vehicle Code, as specified, for any person to commit those acts maliciously. This bill would also make the offense punishable as a felony by a fine of \$1,000 or imprisonment for 16 months, 2 years, or 3 years in the state prison, or both the fine and imprisonment if the person, with intent to do great bodily injury, proximately causes great bodily injury to any person. By creating new crimes, the bill would impose a state-mandated local program.

The bill would conform the obsolete indeterminate prison sentences in the felony

offenses relating to off-highway vehicles to the general felony punishment provisions of the Vehicle Code, which prescribe a fine of not less than \$1,000 or more than \$10,000, imprisonment in the state prison for 16 months, 2 years, or 3 years, or both that fine and imprisonment.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 730 (SB 1486) Nielsen. Veterans' Home of California: membership requirements and decedents' estates.

(1) Existing law provides for the Veterans' Home of California as a residence for aged and disabled veterans and their spouses, and requires that, to be eligible for membership in the home, a veteran, among other things, has been a bona fide resident of California for 5 years immediately preceding the date of application. Existing law also requires that, to be eligible for membership in the home, the spouse of a veteran, among other things, be a resident of this state for 5 years immediately preceding the date of application and has reached age 50.

This bill would require instead that a veteran and the spouse of a veteran each be a bona fide California resident at the time of application for membership in the home.

(2) Existing law provides that, in the absence of certain heirs or a will, the money and personal property of a deceased member of the home will pass to the home for credit to the post fund of the home. Existing probate law does not specifically permit a public administrator to distribute small estates, as specified, to persons other than the decedent's next of kin in the absence of a will.

This bill would authorize the public administrator to distribute these small estates, in the absence of a will, to the decedent's heirs or to other persons or public entities entitled thereto by law. The bill would state that this provision is declaratory of existing law.

Ch 731 (SB 1614) Robbins. Life insurers: pension funds and separate accounts.

Existing law, with regard to variable life insurance separate accounts and accumulations thereon, authorizes a domestic life insurance company to invest or reinvest only in certain specifically authorized investments.

This bill would instead require those separate accounts to have sufficient net investment income and readily marketable assets so as to meet anticipated obligations under policies funded by the account.

Existing law provides, unless otherwise approved by the Insurance Commissioner, that assets allocated to a separate account be valued at their market value or under the terms of the contract or other written agreement if there is no readily available market.

This bill would additionally authorize those assets to be valued at amortized cost if it approximates market value, within the limits and constraints imposed by the United States Securities and Exchange Commission.

Ch. 732 (SB 1738) Robbins. Contracts: security interest

Existing law does not specifically prohibit the inclusion of a provision in a contract involving credit giving the creditor, under the contract, a security interest in religious books, artifacts, or materials.

This bill would prohibit any consumer credit contract from providing for a security interest in any religious books, religious artifacts, or religious materials, valued at less than \$500, except as otherwise specified.

Ch 733 (SB 1747) Montoya. State Athletic Commission.

Existing law defines a state employee, for the purposes of collective bargaining, as any civil service employee of the state, and the teaching staff of schools under the jurisdiction of the Department of Education or the Superintendent of Public Instruction. It exempts from this definition managerial and confidential employees, and employees of specific state agencies.

This bill would include within this exemption intermittent athletic inspectors who are employees of the State Athletic Commission

Ch 734 (SB 1804) Mello State lands: City of Monterey.

Under existing law, tide and submerged lands within the City of Monterey held by the state by virtue of its sovereignty have been granted to the city. The lands may be leased for a term not exceeding 50 years and not more than 300 feet frontage of the waterfront may be leased to one lessee.

This bill would permit the lands to be leased for not more than 66 years and, subject to approval of the State Lands Commission, would permit a lease to any owner of upland property immediately adjacent to the waterfront to exceed 300 feet frontage. The bill would expressly require the lands to be held by the city in trust for specified uses, and would make related changes.

Ch 735 (SB 1907) Royce Mining and geology

Under existing law, the State Mining and Geology Board consists of 9 members, one of whom is required to be a registered civil engineer with background and experience in soil engineering.

This bill would, instead, require one member of the board to be a registered engineer with background and experience in chemical engineering and in hazardous waste disposal, upon expiration of the term of the member who is a registered civil engineer with background and experience in soil engineering.

Ch. 736 (SB 1920) Marks. Courts. San Francisco.

(1) Existing law provides for the number, compensation, and classification of personnel of the superior and municipal courts in San Francisco.

This bill would revise the number, compensation, and classification of personnel of the superior and municipal courts in San Francisco, thereby imposing a state-mandated local program.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 737 (SB 1969) Speraw. Driver's licenses: identification cards: anatomical gifts.

Under existing law, the Department of Motor Vehicles is required to supply recipients of driver's licenses, and identification cards issued by the department, with a sticker which may be affixed to the back of the driver's license or identification card and which may be used to make an anatomical gift under the Uniform Anatomical Gift Act.

This bill would require the sticker to be placed on the front of the license or card, and would require the department to also provide a form which may be affixed to the back of the license or card to make an anatomical gift. The bill would also require an application for a driver's license or identification card to contain provisions by which the applicant may indicate an intent to make an unrestricted anatomical gift under the Uniform Anatomical Gift Act.

The bill would become operative on July 1, 1985.

Ch 738 (SB 1971) Nielsen. Forest practice: timber harvesting plan

Under existing law, if the State Board of Forestry finds that the intent of the Z'berg-Nejedly Forest Practice Act of 1973 has not been provided for in the rules and regulations of the board, the board is required to amend the rules by emergency regulation in accordance with designated provisions. The existing provisions require the Director of Forestry to act upon the timber harvesting plan within 5 days of the board's action.

This bill would, instead, require the director to act upon the timber harvesting plan within 15 days of the board's action

Ch 739 (SB 2042) Montoya. Small business preference: certification: civil penalties.

Existing law authorizes the directors of state agencies which contract for construction work on state facilities to award a small business preference of 5%, not to exceed \$50,000, for any bid, to facilitate the participation of small business in state procurement and construction contracts. It requires the Department of General Services to certify and determine the eligibility of small businesses under these provisions of law.

This bill would authorize the department to impose a civil penalty of not to exceed \$5,000 upon any person found by the department to have committed specified prohibited acts concerning the certification of a small business enterprise, among other things; to prohibit any contractor, subcontractor, supplier, subsidiary, or affiliate thereof, from entering into a state project or state contract and from further bidding to a state entity and from being a subcontractor to a contractor for a state entity and from being a supplier to a state entity, if that contractor, subcontractor, supplier, subsidiary, or affiliate has been found by the department to have committed, 2 specified prohibited acts within a 3-year period.

Existing law requires the Department of Transportation to develop a program to regulate the awarding of highway construction contracts funded solely by state funds to minority business enterprises for those contracts that are not subject to federal regulations.

This bill would authorize the department to impose a civil penalty of not to exceed \$5,000 upon a person found by the department to have committed specified prohibited acts concerning certification as a minority business enterprise, as defined; to prohibit any contractor, subcontractor, supplier, subsidiary, or affiliate thereof, from entering into a state project or state contract and from further bidding to a state entity and from being a subcontractor to a contractor for a state entity and from being a supplier to a state entity, if that contractor, subcontractor, supplier, subsidiary, or affiliate has been found by the department to have committed 2 specified prohibited acts within a 3-year period.

Ch 740 (SB 2046) Roberti. Public works contracts.

Existing law requires contractors and subcontractors who enter into a public works contract, as defined, or a subcontract to supply goods, services, or materials pursuant to a public works contract, to assign to the awarding body all rights, title, and interest in and all causes of action it may have pursuant to specified provisions of federal and state law relating to antitrust actions arising from purchases of goods, services, or materials pursuant to such contract or subcontract.

This bill, in addition, would require in state contracts that certain provisions of the above existing law shall be included in full in any specifications for the public purchase and shall be included in full in the bid agreement or general provisions incorporated into the bid agreement.

Ch. 741 (SB 2095) Lockyer. Local agency investments.

Existing law specifies the investments that may be made by a local agency with surplus funds and funds belonging to or in the custody of a local agency, and allows direct investment in bankers acceptances of an amount not exceeding 40% of the agency's surplus funds which may be invested.

This bill would permit local agencies to make investments in certain mortgage securities.

The changes made by this bill would be in effect only until January 1, 1988.

Ch 742 (SB 2174) Roberti. Crimes punishment.

Under existing law, the crime of manslaughter is defined to include the unlawful killing of a human being without malice, and is classified as voluntary, involuntary, or in the driving of a vehicle. Vehicular manslaughter is variously punishable depending on whether it is with or without gross negligence and, additionally, with or without the driving being in violation of the prohibition against driving when under the influence of an alcoholic beverage, a drug, or a combination thereof, with excessive blood alcohol, or when addicted.

This bill would delete an exclusion from the definition of vehicular manslaughter for cases involving drugs or alcohol other than as provided above. The bill would create a state-mandated local program by changing the definition of a crime.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue

and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

The bill would take effect immediately as an urgency clause.

Ch 743 (SB 2225) Foran. Air pollution emissions. resource recovery projects.

(1) Existing law requires air pollution control districts and air quality management districts, notwithstanding new source review or prevention of significant deterioration rules, to issue permits for the construction of resource recovery projects producing 50 megawatts or less of electricity if specified conditions are met.

This bill would impose a state-mandated local program by also requiring a district to determine compliance of a resource recovery project producing 50 megawatts or more, but less than 80 megawatts, of electricity with these provisions if the district's state implementation plan revisions have been approved by the Environmental Protection Agency and other specified conditions are met and the facility processes municipal wastes from one or more municipalities, and by requiring the district to submit the determination and supporting analysis, including the analysis of noncriteria pollutants and appropriate permit conditions, on resource recovery projects of 50 megawatts or more to the State Energy Resources Conservation and Development Commission.

(2) Under the Warren-Alquist State Energy Resources Conservation and Development Act, the commission is required to certify all sites and related facilities for thermal powerplants

This bill would state the intent of the Legislature regarding the development of thermal powerplants using resource recovery technology

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 744 (SB 2288) Seymour. Department of Housing and Community Development.

Existing law requires the Department of Housing and Community Development to contract with public entities and nonprofit corporations for the provision of technical assistance to rural and low-income communities in the operation, maintenance, and development of public or mutual water systems and publicly operated wastewater systems. Existing law defines the term "seed money" for purposes of these provisions and specifies that eligible grantees are required to provide all aspects of technical assistance, as defined, on a countywide basis.

This bill would revise the meaning of the term "seed money" and would specify that eligible grantees shall have the ability to provide all aspects of technical assistance on at least a countywide basis.

Ch 745 (AB 3635) Hannigan. Off-highway motor vehicle recreation areas and trails

Under the California Environmental Quality Act, lead public agencies, state and local, are generally required to prepare or cause to be prepared by contract, and certify the completion of, an environmental impact report on any discretionary project, as defined, that they propose to carry out or approve which may result in a substantial, or potentially substantial, adverse impact on the environment or, if they determine that a proposed project will not have that effect, to adopt a negative declaration.

Also under existing law, the Department of Parks and Recreation is authorized to make grants to cities, counties, and appropriate districts for the planning, acquisition, development, construction, maintenance, administration, operation, and conservation of trails, trailheads, areas, and other facilities for the use of off-highway motor vehicles.

that are in accordance with local plans and any plans for off-highway motor vehicle recreation areas and trails prepared by the Division of Off-Highway Vehicles within the department. Under certain conditions, available state funds not used for these purposes are required to be available for appropriation to the Division of Off-Highway Vehicles for expenditure pursuant to cooperative agreements with agencies of the United States for any joint undertaking of any function that the division is authorized by existing law to perform, except the enforcement of laws controlling the operation of off-highway motor vehicles.

This bill would require that every applicant for a grant under these provisions comply with the California Environmental Quality Act. The bill would state that this change is declaratory of, and does not change, existing law.

The bill would also require that no cooperative agreement with the federal government under these provisions become effective until the division has determined that the participating agency of the United States has completed environmental review procedures that are at least comparable to those of the California Environmental Quality Act.

Ch. 746 (AB 3768) Elder. Medical transportation services

Existing law provides that medical transportation services are one of the types of services covered under the Medi-Cal program.

This bill would provide that no reimbursement shall be made for medical transportation services, when the services are prescribed or ordered by a person who has a significant beneficial interest in the transportation services, unless the nature of the interest is disclosed.

Ch. 747 (AB 3465) Molina County retirement—CERL. retiree marriage-allowance reduction and optional spousal settlement.

The existing County Employees Retirement Law of 1937 accords members various optional settlements.

This bill would impose state-mandated local program costs by authorizing a retired member who chose no optional settlement or optional settlement one at retirement to elect for a lesser lifetime allowance and name his or her spouse, as defined, as beneficiary under one of the optional settlements. The election would be irrevocable and must be made within one year after the person who is designated as beneficiary becomes a spouse, as defined, or by July 1, 1985.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, ~~1999~~ [1991]*, the provisions contained in the bill for which state reimbursement is required.

Ch. 748 (SB 1686) Ayala Surplus state land

Existing law provides that land which has been declared surplus by the Legislature and is not needed by any state agency shall be offered to local government agencies at less than fair market value, where the land is to be used for specified purposes.

This bill would include therein land that is to be used for school purposes if the transfer is in the public interest and subject to specified conditions.

Existing law declares the intent of the Legislature that surplus state property be disposed of in a manner that furthers state policies in the areas of parks, recreation, open space, and housing and community development.

This bill would include schools among the state policies to be furthered in the disposition of surplus state property.

Ch. 749 (SB 1776) Ellis. State park system: Golden Bear Pass.

(1) Existing law requires that any person over 65 years of age having a specified low income or any person receiving aid to the aged, blind, or disabled, or receiving aid to families with dependent children, upon application and payment of \$5 to the Department of Parks and Recreation, be issued a "Golden Bear Pass" on an annual basis which entitles the bearer and spouse to free use on any day of the day-use facilities in units of the state park system, except Hearst San Simeon State Historical Monument, Sutter's Fort State Historic Park, and the California State Railroad Museum, under limitations determined by departmental regulations regarding peak hours and contractual arrangements with vendors.

This bill would recast the provisions regarding the specification of income of persons over 65 years of age with limited income [to refer to the maximum grant levels in the State Supplementary Payment program, and would change the date on which those income levels are adjusted from July 1 to January 1 each year]*.

(2) Existing law also prohibits the department from granting half-price privileges or granting any discount for the use of state park system facilities on the basis of the pass or any other criterion.

This bill would delete ~~from that prohibition~~, [the basis of]* any other criterion [from the prohibition against the department granting any discount or half-price privileges]*.

(3) The bill would also provide that its provisions would not become operative if both this bill and AB 3113 are enacted and amend Section 5011 of the Public Resources Code and this bill is enacted after AB 3113.

Ch. 750 (AB 3574) La Follette Environmental quality: exemption

Under the California Environmental Quality Act, lead public agencies, state and local, are generally required to prepare or cause to be prepared by contract, and certify the completion of, an environmental impact report on any discretionary project, as defined, that they propose to carry out or approve which may result in a substantial, or potentially substantial, adverse effect on the environment or, if they determine that a proposed project will not have that effect, to adopt a negative declaration.

This bill would exempt from the act projects for restriping of streets or highways to relieve traffic congestion.

Ch. 751 (AB 2869) Mountjoy Development agreements.

(1) Existing law permits a city, including charter city, county, or city and county to enter into a prescribed development agreement with any person having legal or equitable interest in real property. Existing law permits a city, including charter city, county, or city and county, to establish procedures and requirements for the consideration of development agreements, as specified.

This bill would, instead, require a city, including a charter city, county or city and county, upon request of an applicant, to establish these procedures and requirements.

It would authorize a city, county, or city and county to recover from applicants the direct costs associated with adopting an ordinance or resolution to establish procedures and requirements for consideration of development agreements.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by requiring local agencies upon a specified request to establish certain procedures and requirements for development agreements.

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 752 (AB 3530) Frizzelle. Medi-Cal fraud.

Existing law provides that it is a misdemeanor for any person who knows he or she is not eligible for Medi-Cal benefits to represent to a provider of health services that he or she is eligible to receive these benefits, in order to obtain health services.

This bill would instead provide that it is a misdemeanor for any person to use a Medi-Cal card other than the one which was issued to him or her to obtain health care services, except as specified.

Ch. 753 (AB 3434) Hayden. Vital statistics: service in Vietnam.

Existing law requires a certificate of death to contain specified information.

This bill would require the certificate of death to include information as to whether the decedent had performed military service, and, if so, the period of that service, and would appropriate \$22,500 to the Vital Statistic Branch of the State Department of Health Services to revise the certificate. The bill would require the Resource for Cancer Epidemiology [of the department]* to investigate and formulate a set of options and implementation plans for utilizing the California Tumor Registry in research on the effects of Agent Orange on Vietnam veterans.

The provisions of this bill would be repealed January 1, 1995.

Ch. 754 (AB 3599) Moorhead. Youths: school attendance

Existing law defines a truant and establishes a statutory scheme relating to truancy. School districts are required to notify and inform the pupil's parent or guardian upon a pupil's initial classification as a truant

This bill would authorize district attorneys or probation officers to participate in a truancy mediation program, as prescribed, whereby notification may be provided by school districts to the district attorney or the probation officer of the name of a truant pupil and the name and address of the pupil's parents or guardians, and under which the district attorney or the probation officer may schedule a meeting to discuss the legal consequences of the pupil's truancy.

This bill would authorize counties in which a school attendance review board has been established to notify the district attorney or the probation officer of this information if the school attendance review board has determined that the problems of the pupil cannot be resolved or if the pupil or the pupil's parents or guardians, or both, have failed to respond to directives of the school attendance review board or to services provided, if the district attorney or the probation officer has elected to participate in the truancy mediation program. This bill would specify that if the district attorney or the probation officer has not elected to participate in the truancy mediation program, the school attendance review board may request the county superintendent of schools to request a juvenile court petition on behalf of the pupil, as specified

This bill would specify that in any county which has not established a school attendance review board, the school district may provide notification to the district attorney or the probation officer, if the district attorney or the probation officer has elected to participate in the truancy mediation program and the district determines that the problems of the pupil cannot be resolved or that the pupil or the pupil's parents or guardians, or both, have failed to respond to the directives of the school district or to services provided

It also would make a related change.

Ch. 755 (AB 3614) Elder. Health facilities.

Existing law imposes various duties upon the State Department of Health Services relating to health facilities.

This bill would require the department to conduct a study regarding the need for additional licensure requirements for dialysis facilities, and to submit a report to the Legislature by March 31, 1985, as specified

This bill would make various findings pertaining to the potential effects of the elimination of certain licensing requirements for dialysis facilities, and would declare the Legislature's intent in requiring the study of those facilities.

Ch. 756 (AB 2756) Peace. Juveniles

Under existing law, several purposes are set forth for the Arnold-Kennick Juvenile Court Law including to secure care, guidance, custody, and discipline of the minor under the jurisdiction of the juvenile court; to protect the public from the consequences of criminal activity; and to reaffirm the duty of a parent to support and maintain a minor child, subject to the financial ability of the parent to pay, for any period during which the minor may be declared a ward of the court and removed from the custody of the parent

This bill would repeal that provision and instead would provide that the purpose of the law is to provide for the protection and safety of the public and each minor under the jurisdiction of the juvenile court and to preserve and strengthen family ties when possible, as specified. This bill would also state as a purpose of the law the reaffirmation

of the duty of a parent to support and maintain a minor child, subject to the financial ability of the parent to pay, for any period during which the minor may be declared a ward of the court and removed from the custody of the parent. The bill would make separate statements of intent with respect to minors in need of protective services and minors under the jurisdiction of the court as a result of delinquent conduct and would include a definition and statement as to the use of punishment.

Ch. 757 (AB 2275) Peace. Pharmacy.

Existing law prohibits any person from conducting a pharmacy unless a permit has been obtained from the State Board of Pharmacy and prohibits any person from dispensing drugs unless the person is a licensed pharmacist, with limited exceptions.

This bill would provide authorization for licensed nonprofit community clinics and free clinics, as defined, to purchase drugs at wholesale for administration or for dispensing, under the direction of a physician and surgeon, to patients registered for care at the clinic, provided the clinic obtains a permit, as specified, and maintains records, as specified. The bill would provide that these provisions shall become operative on July 1, 1985. The bill would additionally provide an exemption, as specified, from prescription requirements for an order for controlled substances furnished to a patient in a clinic which has obtained a permit.

Ch. 758 (AB 2768) Cortese Public contracts.

Existing law provides that certain work on state and local projects shall be done under contract awarded to the lowest responsible bidder, except that under certain circumstances it may be done by day's labor under the direction of the public entity.

This bill would provide, in addition, that where state plans and specifications have been prepared, and where local plans and specifications have been prepared by a public agency, in order for a public project to be put out for formal or informal bid, and, subsequently, the entity elects to perform the work by day's labor, the entity shall perform the work in strict accordance with these same plans and specifications.

In addition, the bill would provide that revisions of the plans and specifications may be made once a justification detailing the specific reasons for the change or changes has been approved by the public agency or its project director and a copy of the change and its justification is placed in the project file.

The bill would repeal the above provisions effective January 1, 1991.

This bill would impose a state-mandated local program by including cities in the above provisions.

Existing law provides for alternative procedures to the bidding procedures on public projects which are required for public agencies whose governing boards have by resolution elected to ~~certain~~* become subject to certain uniform construction cost accounting procedures.

This bill would revise the above alternative procedures, as specified.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, 6 years after their effective date, the provisions contained in the bill for which state reimbursement is required.

Ch 759 (AB 2983) McAlister Registered process servers.

Existing law authorizes a registered process server to levy under a writ of attachment or a writ of execution on certain types of property and to serve an earnings withholding order, and provides that the fee for that levy or service may be allowed by the court as a recoverable cost.

This bill would require that the fee be allowed as a recoverable cost.

This bill also would provide that the costs for the service of a writ of execution by a sheriff or registered process server shall be added to and become part of the judgment.

This bill also would provide that if a copy of the original notice of attachment or levy which has been served upon a third party holder is served upon the defendant or any other party, service of that copy shall suffice as the notice of attachment or levy to that person.

This bill would incorporate additional changes in Sections 488.080 and 699.080 of the Code of Civil Procedure, proposed by AB 2295, contingent upon the prior chaptering of AB 2295.

Ch. 760 (AB 1047) Bader Lis pendens

(1) Under existing law, a party may record a notice of the pendency of an action, commonly known as a lis pendens, at any time after an action concerning real property or affecting the right of possession of real property is commenced without notice or hearing. Following the recordation of a lis pendens, a subsequent purchaser or encumbrancer is deemed to have notice of the action as it relates to the real property. The lis pendens is required to be filed in the county in which the property is located, which may or may not be the same county in which the underlying action is filed.

This bill would require the clerk, or the judge if there is no clerk, to issue a notice of pendency of action to a party requesting it, thereby imposing new duties on a local agency. The bill would also authorize an attorney of record in the action to issue a notice of pendency of action; and would authorize a person causing a notice of pendency of action to be recorded to obtain, ex parte, a certification from the court that an action concerning real property has been filed between the parties, thereby imposing new duties on a local agency.

The bill would prohibit the recordation of a notice of pendency of action, except by a public agency bringing an action in eminent domain, unless issued by the court or by an attorney of record, or accompanied by a certified copy of such a certification. The bill would also specify the court fee for issuing a notice of pendency of action or such a certification.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 761 (AB 3714) Johnston Peace officers.

Under existing law, persons commonly known as level 3 reserve peace officers, when trained as required, may be deployed only in limited functions not usually requiring general law enforcement powers.

This bill would apply that authority to the carrying out of duties not requiring general law enforcement powers in their routine performance, when trained as required.

Ch. 762 (AB 3103) Condit. State Teachers' Retirement System reemployment of retirants.

Existing State Teachers' Retirement Law: (a) permits retrants to work for a school district or other employing agency and earn, in any one school year in specified school positions without reinstatement or termination or suspension of retirement allowances, up to \$5,000 and; (b) requires that the maximum amount earnable by retirants be annually adjusted on July 1, 1983, and each July 1 thereafter by 50% of the increase in the All Urban California Consumer Price Index, using December 1980 as the base.

This bill would: (1) increase, operative on July 1, 1985, the maximum amount in item (a) above, to \$7,500 and; (2) require the annual adjustments in item (b) above to commence on July 1, 1986, using December 1984 as the base.

Ch. 763 (SB 1778) Ellis. Alcoholic beverages. escrow holder.

Existing law requires that the purchase price or consideration for the transfer of a business or license to sell alcoholic beverages be placed in escrow. Existing law estab-

lishes priorities as to creditors with regard to payment if the purchase price or consideration is not sufficient to pay the claims in full. The priorities consist of 7 categories, the last of which is the payment of all other claims.

This bill would include, as a new 7th priority, the payment of other claims which have been reduced to court ordered judgments, including claims for court ordered support of a minor child, and would make the payment of all other claims the 8th and last priority.

Ch. 764 (AB 3067) Hughes. School building aid.

Under the State School Building Aid Law of 1952, funds are provided to school districts for necessary school sites and buildings pursuant to specified conditions.

This bill would provide that any apportionment to school districts which is made after July 1, 1984, from funds generated pursuant to the State School Building Aid Law of 1952 shall be subject instead to the conditions and provisions of the Leroy F. Greene State School Building Lease-Purchase Law of 1976.

The bill would take effect immediately as an urgency statute.

Ch. 765 (AB 2033) Connelly. Public records: pesticides.

(1) Existing law generally requires that public records be open to inspection at all times during the office hours of state and local agencies. Specified records are exempt from these disclosure requirements including specified trade secrets. Existing federal law requires that specific items of information regarding pesticides be available for disclosure to the public.

This bill would provide that nothing in the laws relating to inspection of public records shall be construed as exempting from public disclosure the same categories of pesticide safety and efficacy information that are disclosable under the Federal Insecticide, Fungicide, and Rodenticide Act, if the individual requesting the information meets specified requirements and signs a specified statement. The bill would also require the Director of Food and Agriculture to determine if any data submitted and designated by a registrant or applicant as a trade secret, as defined pursuant to federal law, is a properly designated trade secret, pursuant to a specified procedure. The bill would state these provisions are operative only so long as a specified section of the federal act is not enjoined and declared invalid by a federal court.

The bill would prohibit the director from disclosing specified information to certain persons and would require the director to maintain records of all persons requesting this information. Notwithstanding these provisions, the director would be authorized to disclose information in connection with a public proceeding if the director makes a specified determination. The director would also be authorized to limit an individual to one request per month pursuant to these provisions if the director determines that the person has made a frivolous request within the past 12-month period.

The bill would impose a criminal fine of up to \$10,000 ~~and~~ [or]* imprisonment in the county jail for up to one year [, or both,]* upon officers or employees of the state who disclose specified information to unauthorized persons, thereby imposing a state-managed local program.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 766 (AB 294) Filante. Structural pest control.

(1) Under existing law, a structural pest control operator is required to give advance notice of the time and place of a fumigation to the local fire department.

This bill would, until January 1, 1987, condition the requirement of advance notice to instances in which the fire department requests the notice and would delete the requirement that the notice state the time of the fumigation, instead requiring that the date of the fumigation be given. The bill would also authorize, until January 1, 1987, the county agricultural commissioner to require advance notice of fumigation, as specified.

(2) Under existing law, the Structural Pest Control Fund in the State Treasury receives all moneys collected under the laws relating to structural pest control.

This bill would, until January 1, 1987, also create the Structural Pest Control Education and Enforcement Fund in the State Treasury. The fund would have two accounts, each of which would receive specified revenues, to be expended for specified purposes. On or before December 31, 1986, the money in that fund would revert to the Structural Pest Control Fund.

(3) Under existing law, the Structural Pest Control Board is authorized to adopt rules and regulations relating to structural pest control. Existing law also requires that the board consult with the Department of Industrial Relations with regard to regulations concerning worker health and safety.

This bill would, until January 1, 1987, require the board to consult with the Director of Food and Agriculture when developing or adopting structural pest control regulations that may affect the Department of Food and Agriculture or the county agricultural commissioners, as specified. It would also delete the requirement that the board consult with the Department of Industrial Relations regarding worker health and safety regulations.

(4) Under existing law, the Structural Pest Control Board in the Department of Consumer Affairs regulates the business of structural pest control. Under existing law, the Department of Food and Agriculture and county agricultural commissioners regulate the business of pest control generally and the registration, sale, and use of economic poisons in this state.

This bill would, until January 1, 1987, provide that the Director of Food and Agriculture shall be designated by the board as its agent, and the Director of Food and Agriculture shall designate county agriculture commissioners as his or her representatives, to enforce laws relating to structural pest control. The bill would require a joint training program for these persons developed by the board and the Department of Food and Agriculture.

(5) Under existing law, the Structural Pest Control Board is authorized to suspend or revoke the license of a structural pest control operator or, in lieu of a suspension, to impose a monetary civil penalty in specified amounts.

This bill would, until January 1, 1987, also authorize the board, or county agricultural commissioners when acting as representatives of the Director of Food and Agriculture, to suspend an operator's license or to impose specified monetary civil penalties for violations of the laws relating to structural pest control. An appeal procedure from the suspensions or fines would also be instituted.

(6) Under existing law, until January 1, 1985, the Director of Food and Agriculture and county agricultural commissioners have joint and mutual responsibilities to develop regulations governing the disbursement to counties of mill assessments collected from the registration of economic poisons.

This bill would delete the January 1, 1985, repeal date for these provisions and state that assessments paid to counties shall also be considered as reimbursement for costs incurred by the counties in administration and enforcement of structural pest control laws.

(7) The bill would, until January 1, 1987, make other conforming changes to the responsibilities of the Director of Food and Agriculture and the county agricultural commissioners in regulating the business of structural pest control.

This bill would impose a state-mandated local program by creating a new crime and imposing new duties on local government.

(8) The bill would appropriate \$50,000 from the Structural Pest Control Fund to the Structural Pest Control Education and Enforcement Fund to be utilized by the board for specified purposes and would provide for reimbursement of that sum.

(9) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 767 (SB 1142) Speraw. County Employees Retirement Law of 1937: benefits.

The County Employees Retirement Law of 1937 authorizes members who are entitled to rights and benefits from two or more retirement systems to receive, among other things, disability benefits based upon service in all systems, and specifies that no provision of that law shall be construed to authorize such a member to receive a combined nonservice-connected disability pension in excess of what would have been received if all of the member's service has been with only one entity.

This bill would also apply this limitation to service-connected disability allowances payable to members who, after being employed with another county or an entity within the Public Employees' Retirement System, become employed by a second public entity on or after January 1, 1984, and make technical changes.

Ch. 768 (SB 1521) Petris. Interpreters for the deaf

Under existing law, if a witness in a civil or criminal action is incapable of hearing the English language, an interpreter will be provided. Existing law also provides that if a party or witness in a criminal action is a deaf person and is required to be present, the proceedings are required to be interpreted.

This bill would delete the former provision and would expand the latter requirement to include civil cases, would delete the requirement that the deaf person be required to be present as a condition to having an interpreter, and would specify that traffic or other infraction cases are within the category of cases for which an interpreter may be required, thereby imposing a state-mandated local program since the costs for the expanded provision for interpreters would be borne by local governments.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

The bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 769 (SB 1551) Watson. Healing arts: unprofessional conduct.

Existing law provides that repeated acts of clearly excessive prescribing or administering of drugs or treatment, repeated acts of clearly excessive use of diagnostic procedures, or repeated acts of clearly excessive use of diagnostic or treatment facilities as determined by the standard of the local community of licensees, is unprofessional conduct for a physician and surgeon, dentist, podiatrist, psychologist, physical therapist, chiropractor, or optometrist.

This bill would provide, instead, that the determination as to whether specified acts constitute unprofessional conduct for which a license may be revoked or suspended shall be made using the standard of the community of licensees, rather than the standard of the local community of licensees.

Existing law provides that a physician may be ordered to undergo a professional competency examination if there is reasonable cause to believe that the physician is unable to practice medicine with reasonable skill and safety to patients. Before such an order may be issued, a copy of a written petition detailing the reasonable cause must be served on the physician who then has the opportunity to file written opposition to the petition within 30 days after service.

This bill would increase the days after service within which written opposition to the petition may be filed by the physician from 30 days to 45 days.

Existing law provides that the Division of Medical Quality may file an accusation charging an examinee with incompetency if the examinee fails the original and second professional competency examinations. Existing law further provides that if the division determines there is insufficient cause to file an accusation based on the examination results, various documents, including all agency records of the proceedings and the reports of the examiners, shall be kept confidential and shall not be subject to discovery.

or subpoena

This bill would include among the documents which must be kept confidential, reports of staff or outside medical consultants.

Existing law, operative January 1, 1985, provides that the passing of a professional competency examination by a physician shall not prevent the Division of Medical Quality from filing an accusation based on unprofessional conduct, as defined.

This bill would repeal that provision.

Ch. 770 (SB 1593) Dills. Alcoholic beverages

Existing law makes it unlawful for any person to employ or use the services of any person under the age of 21 in or on any portion of any premises, during business hours, which are primarily designed and used for the sale and service of alcoholic beverages

This bill would provide that any off-sale licensee who employs or uses the services of any person under the age of 18 for the sale of alcoholic beverages shall be subject to revocation or suspension of his or her license unless the person is under the continuous supervision of a person 21 years of age or older

Ch 771 (SB 1697) Johnson. Public Employees' Retirement System: public agencies Tahoe transportation district.

The existing Public Employees' Retirement Law authorizes any public agency, as defined, to participate in and make all or part of its employees members of the system by contract, as specified.

This bill would include in the definition of "public agency," the Tahoe transportation district

Ch. 772 (SB 1782) Alquist. Seismic Safety Commission

Under existing law, the Seismic Safety Commission has been created to carry out various powers and duties relating to seismic safety. The provisions relating to the commission are scheduled to be repealed January 1, 1986.

This bill would delete the provision which would repeal the provisions relating to the Seismic Safety Commission, which would have the effect of continuing the commission's existence indefinitely

Ch 773 (SB 1963) B. Greene Unemployment employer-employee. independent contractors.

Existing law excludes from "employment" professional services performed by an individual working as an independent contractor and establishes a rebuttable presumption that services provided by certain individuals are rendered as an independent contractor. However, under existing law, this presumption does not apply to a contractual agreement which establishes an employer-employee relationship.

This bill would specify that the existence of a contract between certain clinics and specified health care practitioners shall not constitute an employer-employee relationship if the contract stipulates that the services rendered to the clinic are by an independent contractor, not an employee, and would exempt these clinics and individuals or organizations from any unemployment insurance payments required under an employer-employee relationship.

Ch. 774 (SB 2028) Dills Energy conservation standards: buildings.

Under existing law, the State Energy Resources Conservation and Development Commission is required to establish and revise design and construction standards for new buildings which increase the efficiency of energy used for residential and nonresidential buildings. The present law provides for compliance with these standards, by cities, counties, and state agencies when issuing building permits. The existing law does not prohibit the enforcement of city or county energy conservation or energy insulation standards, if the city or county files the basis of its determination that the standards are cost effective with the commission and the commission finds that the standards will require the diminution of energy consumption levels permitted by the rules and regulations adopted pursuant to those provisions.

This bill would require the city or county to update and file a new basis of its determinations that the standards are cost effective, if, after a prescribed period, there has been a substantial change in the factual circumstances affecting the determination. The bill

would provide that, if the governing body of the city or county determines, as prescribed, that the standards are no longer cost effective, the standards shall, as of that date, be unenforceable and no building permit or other entitlement shall be denied based on the noncompliance with the standards.

Ch. 775 (SB 2220) Keene. Probation officers.

Existing law relating to juvenile court proceedings provides that in each county there shall be the offices of probation officer, assistant probation officer, and deputy probation officer. A probation officer may appoint as many deputies or assistant probation officers as he desires, but such appointees are without authority until their appointments are approved.

This bill would expressly state that, in Mendocino County, the offices of assistant probation officer and deputy probation officer, or either of them, shall exist only if established by an ordinance adopted by the board of supervisors, and the probation officer may appoint deputies or assistant probation officers only if the positions have been authorized by the board of supervisors.

Ch. 776 (SB 2259) Marks Architects.

Existing law requires the Board of Architectural Examiners to distribute specified material relating to interior and exterior barrier free design to each applicant for the renewal of a certificate to practice architecture and requires each applicant to acknowledge receipt of that material. The law requires the Department of Rehabilitation to prepare the material, as specified.

This bill would delete that provision and instead would require the board to notify licensees of the availability of material relating to barrier free design.

Ch. 777 (SB 2260) Marks Conservation easements.

Existing law provides for the creation, transfer, and termination of conservation easements, for the purpose of retaining land predominantly in its natural, scenic, historical, agricultural, forested, or open-space condition. Existing law also provides that, in the assessment of land, the assessor shall consider the effect upon value of any enforceable restrictions to which the use of the land may be subjected.

This bill would provide that a conservation easement is an enforceable restriction, for purposes of the provision requiring the assessor to consider enforceable restrictions in the assessment of land.

Ch. 778 (AB 621) Klehs. Female employees: working hours

Existing law regulates the working hours of female employees and also regulates the working hours of employees in general.

This bill would repeal the provisions relating to working hours of female employees, thereby leaving these employees subject to the provisions governing employees generally.

Ch. 779 (AB 1567) Davis. Commercial vehicles

(1) Nothing in existing law requires applicants for registration or transfer of registration of commercial motor vehicles to provide a declaration that the owner is aware of applicable motor carrier safety regulations of the Department of the California Highway Patrol.

This bill would enact such a requirement with respect to specified commercial motor vehicles

(2) Under existing law, the department has adopted regulations governing the hours of operation of all truck tractors, motortrucks with 3 or more axles and over 6,000 pounds unladen weight, other motortrucks in combination with certain other vehicles, and any motortruck or combination hauling hazardous materials.

This bill would require the regulations to generally establish limitations on driving hours consistent with specified federal regulations. The bill would, however, prohibit driving hours and on-duty status from beginning following less than 8 hours off duty, and would require drivers' hours to be regulated from the time the driver reports for duty to an employer. The bill would specify exceptions to general limitations on driving hours for adverse conditions and emergencies, and would permit exceptions for drivers assigned to governmental fire suppression and prevention agencies. The bill would also

authorize a 12-hour maximum driving time for vehicles in intrastate commerce that are not transporting defined hazardous substances or hazardous wastes.

(3) Existing law prohibits employing a person under 18 years of age to drive a motor vehicle on the highways for compensation.

This bill would impose a state-mandated local program by making it a misdemeanor for a person under 21 years to drive specified commercial vehicles in interstate commerce or to haul hazardous substances or wastes, or for any person to employ a person under 21 years for that purpose.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 780 (AB 3117) Allen. Medi-Cal

Existing law exempts prepaid health plans which provide Medi-Cal services from specified utilization control requirements placed upon providers who render Medi-Cal services on a fee-for-service basis.

Existing law does not, however, specifically exempt prepaid health plans from specified utilization controls enacted after the exemption was created.

This bill would specifically exempt prepaid health plans from the subsequently enacted utilization controls.

Ch. 781 (AB 3666) Molina. Classified employees. appointments.

Existing law requires school districts to make appointments of classified employees from eligibility lists compiled in accordance with the requirements of existing law

Existing law authorizes appointments to be made from other than the first 2 or 3, as the case may be, applicants on an eligibility list when the ability to speak, read, or write a language in addition to English or possession of a valid driver's license is a requirement for the position to be filled. Existing law specifies that where such a position is to be filled, the appointment shall be made from among the highest 2 or 3, as the case may be, applicants on the appropriate eligibility list who meet the special requirements and who are ready and willing to accept the position. Existing law specifies that if there are insufficient applicants who meet the special requirements, the personnel commission of the district shall certify the top applicant or applicants plus those applicants who meet the special requirements, not to exceed 2 or 3 candidates, as the case may be.

This bill, instead, would authorize appointments to be made from other than the first 3 ranks of applicants on the eligibility list when these special requirements are required. This bill would specify that where such a position is to be filled, the appointment may be made from among the highest 3 ranks of applicants on an appropriate eligibility list meeting the special requirements who are ready and willing to work. This bill would specify that if there are insufficient applicants who meet the special requirements, an employee who meets the special requirements may receive provisional appointments which may accumulate to a total of 90 working days. This bill would specify that successive provisional appointments of 90 working days or less may be made in the absence of an appropriate eligibility list for the period of the provisional appointment if the personnel commission finds that specified requirements of existing law have been met, but would prohibit these provisional appointments from being extended if certification can later be made from an appropriate eligibility list.

Ch. 782 (SB 1537) Russell. State-mandated local program claims: workers' compensation.

Existing law permits local public agencies to submit claims to the state for reimbursement of state-mandated local program costs

This bill would require the Controller, when conducting audits of specified local public agency workers' compensation state-mandated local program claims, to allow any payment made to a local agency for reimbursement of its 1978-79 through 1981-82 fiscal years' costs for compromise and release cases if, in computing reimbursable costs, the

local agency used either the applicable weekly temporary disability rate or the weekly permanent total disability rate whenever the formula provided by the Controller in the claiming instructions specified use of the weekly benefit rate.

Ch. 783 (SB 1964) B. Greene. Employment

Existing statutory and case law specifies when a person performing services is an employee and when the person is an independent contractor.

This bill would provide a rebuttable presumption affecting the burden of proof that a licensed physician and surgeon who enters into a contract for the performance of health services on behalf of a licensed primary care clinic, as defined, is an independent contractor rather than an employee.

Ch. 784 (AB 3478) Wyman. State Bar of California. funding legal services to indigent persons.

Existing law requires an attorney or law firm which receives or disburses trust funds to establish an interest-bearing demand trust account and to deposit in the account all client deposits that are nominal in amount or are on deposit for a short period of time, the earnings on which are to be paid to the State Bar to be used to fund qualified legal services projects and qualified support centers which provide free legal services to indigent persons, especially underserved client groups, as specified. "Qualified legal services project" is defined as a nonprofit project incorporated and operated exclusively in California which provides as its primary purpose and function legal services without charge to indigent persons and which has quality control procedures approved by the State Bar of California.

This bill would revise the definition of "qualified legal services project" to include a program operated exclusively in California by a nonprofit law school accredited by the State Bar of California which (1) shall have operated for at least 2 years at a cost of at least \$20,000 per year as an identifiable law school unit with a primary purpose and function of providing legal services without charge to indigent persons; and (2) shall have quality control procedures approved by the State Bar of California.

The bill would provide that with respect to these types of programs, only those expenditures in their budgets for legal services which are attributable to the representation of indigent persons may be used as the basis for the allocation of funds to further provide free legal services to indigent persons.

Ch. 785 (AB 2605) Allen. Peace officer training. criminal history

Under existing law, persons who have been convicted of certain crimes, or who are drug addicts, are prohibited from owning, possessing, or controlling concealable firearms.

This bill would require each applicant for admission to a basic course of training certified by the Commission on Peace Officer Standards and Training, who is not sponsored by a law enforcement agency, or is not a peace officer employed by a state or local agency, department, or district, to submit written certification from the Department of Justice that he or she has no criminal background which would disqualify him or her from owning, possessing, or controlling a concealable firearm pursuant to specified provisions of law.

The bill would create a state-mandated local program by imposing new duties on local agencies.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill would take effect immediately as an urgency statute.

Ch. 786 (SB 1554) Ellis. Sales and use tax exemptions. water.

Existing California Sales and Use Tax Law imposes a state sales or use tax on the sale or use of tangible personal property in the state, unless the sale or use is exempted from

that tax. That law presently exempts noncarbonated and noneffervescent bottled water sold in individual containers of one gallon or more in size.

Counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes. Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes.

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would expand the exemption to include noncarbonated and noneffervescent bottled water sold in individual containers of one-half gallon or more in size.

This bill would appropriate \$34,000† to the Controller to make the reimbursements to counties and cities specified in Section 2230.

This bill would take effect immediately as a tax levy and would become operative as specified.

Ch. 787 (AB 3909) Davis Housing age restrictions.

Under existing law, the Unruh Civil Rights Act does not specifically prohibit discrimination on the basis of age. Case law has interpreted the act to prohibit all arbitrary discrimination by all business establishments of every kind whatsoever.

This bill would specify that the Unruh Civil Rights Act shall be construed to prohibit a business establishment from discriminating in the sale or rental of housing based upon age. This bill would also provide that where accommodations are designed to meet the special physical and social needs of senior citizens [,]* a business establishment may establish and preserve ~~such~~ [this]* housing for senior citizens, as specified.

The bill would become operative only if this bill and SB 1553 are both chaptered and become effective on January 1, 1985.

Ch. 788 (AB 744) Lancaster Deceased state miscellaneous members of PERS: survivor allowances.

Existing provisions of the Public Employees' Retirement Law provide for a continuation of a portion of member allowances to survivors of deceased state miscellaneous members who were not coordinated with federal social security and retired before July 1, 1974, and those who were coordinated with social security and retired before July 1, 1975, provided the retired member was alive and receiving a monthly allowance on June 30, 1974, and the application was received between October 1, 1978, and January 1, 1979.

This bill would delete the requirement that the retired member must have been alive and receiving a monthly allowance on June 30, 1974, and the time limits upon receipt of the application and would require the survivor to furnish specified information if the retirement board no longer has a record of the deceased member's retirement data, as specified. Payments thereby authorized would commence no sooner than January 1, 1985. The system would not be required to take certain locating and notifying actions, as specified.

Ch. 789 (AB 2242) Vicencia. Credit unions.

Existing law provides that credit union share accounts fully paid by the first day of a calendar month are entitled to a proportionate part of the dividend calculated from the first day of the month. Existing law also authorizes the bylaws of any credit union, with respect to shares fully paid by the 10th of the month for any period for which dividends are declared, to provide that those shares are entitled to a proportionate part of the dividend calculated from the first day of that month. Existing law also authorizes the bylaws of any credit union to provide that shares are entitled to a proportionate part of dividends calculated from the date the shares are fully paid to the date the shares have been withdrawn during any period for which dividends are declared.

Existing law authorizes a credit union to make simultaneously to any member different classes of loans, either secured or unsecured. In addition, existing law authorizes a credit union to impose a service charge which does not exceed \$0.25 on any loan of \$50 or less which is repaid before the end of the first full month.

This bill would repeal those provisions

† Appropriation in Section 2 of chapter reduced to \$14,000 by action of the Governor

Existing law prohibits a credit union from making loans to persons affiliated with the credit union unless certain requirements are satisfied.

This bill would prohibit a credit union from entering into any obligation with any credit manager, unless the obligation conforms to certain conditions, as specified.

The bill would also make various related changes in terminology, expanding the definition of "loans" to instead refer to "obligations," as defined. It would additionally require the board of directors to set out certain interest rates and essential terms of obligations, as specified.

Existing law prohibits as a misdemeanor the making of credit union loans to a non-member of the credit union or of a loan not in conformity with the credit union law.

The bill would revise this prohibition to instead prohibit an officer, director, member of a committee of a credit union, or loan officer from knowingly permitting the creation of an obligation, as defined, to nonmembers, or the creation of a nonconforming obligation. This bill would impose a state-mandated local program by revising the definition of a crime.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 790 (AB 2447) M. Waters. Alcoholic beverage licenses.

Existing law specifies as one of the grounds which constitute a basis for the suspension or revocation of an alcoholic beverage license, the failure to correct objectionable conditions constituting a nuisance within a reasonable time after receipt of notice to make the corrections from a district attorney.

This bill would instead specify, as a ground for suspension or revocation, the failure to take reasonable steps to correct objectionable conditions on the licensed premises or immediate adjacent area owned, leased, or rented by the licensee, which constitute a nuisance, within a reasonable time after receipt of notice to make the corrections from a district attorney, city attorney, county counsel, or the Department of Alcoholic Beverage Control, as specified.

Ch. 791 (AB 2640) Mountjoy. Airports: hangar leases and Aeronautics Account funds eligibility

(1) Existing law authorizes local agencies to own and operate airports and regulate the use of airport-related facilities.

This bill would specifically authorize a local agency which rents or leases hangar space to regulate the conduct of aircraft maintenance or repair for compensation, but not to prohibit the renter or lessee from performing maintenance or repair on aircraft owned or controlled by the renter or lessee.

(2) Existing law authorizes the Department of Transportation to make allocations from the Aeronautics Account in the State Transportation Fund to public entities operating airports, open to the public and meeting certain requirements, for expenditure for airport purposes. Existing law prohibits these allocations to a public entity which has leased its airport to an agent or agency other than to a public entity.

This bill would permit these allocations to a public entity which has provided by contract for the operation and management of its otherwise qualifying airport by a person.

Ch. 792 (AB 2696) Klehs. Conciliation courts: counselors.

Existing law provides for the exercise by superior courts of jurisdiction as family conciliation courts. Counties establishing such a court are authorized to appoint conciliation counselors, as specified.

This bill would provide that in addition to the qualifications specified by existing law such a counselor must have knowledge of child abuse and the effects of domestic violence on children. It also would require such a counselor and specified mediators to participate in programs of continuing instruction in domestic violence, including child

abuse, as may be arranged and be provided to them by community nonprofit organizations or by the court, as specified, thus establishing a state-mandated local program.

Article XIII B of the California Constitution and Section 2231 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. The statutory provision also specifies the manner for paying this reimbursement and requires any statute mandating these costs to contain an appropriation to pay for the costs in the initial fiscal year.

This bill would appropriate \$20,000 to the Judicial Council to fund court conciliator training programs in domestic violence and child abuse awareness conducted by community nonprofit organizations or by the court.

Ch. 793 (AB 2722) Moore. Licenses

The Alcoholic Beverage Control Act limits the number of premises for which an off-sale general license may be issued to one for each 2,500, or fraction thereof, inhabitants of the county in which the premises are situated. However, existing law does not specifically limit the number of off-sale beer and wine licenses which may be issued.

This bill would prohibit the issuance of an off-sale beer and wine license in Los Angeles County unless it is issued with conditions which provide that an applicant's annual sales, measured by gross receipts other than sales of beer and wine, would exceed the applicant's annual sales of beer and wine products.

Ch. 794 (AB 2755) Sher. Minors

Existing law requires the Department of Justice to compile and report various, specified criminal statistics.

This bill would require the Department of Justice to prepare a written proposal to be submitted to the Legislature on or before July 1, 1985, outlining a proposed system or systems by which data could be collected which could determine subsequent criminal activity of persons exposed to rehabilitation treatment programs, as specified, and would declare the intent of the Legislature in this regard. The bill would appropriate \$25,000, as specified, to the department for this purpose.

Ch. 795 (AB 2804) N Waters. Sierra Lakes County Water District.

Under existing law, a county water district may, by using any water or water supplies furnished to the district or used by the district, construct, maintain, and operate plants for the generation of hydroelectric power from the water.

The bill would generally authorize the Sierra Lakes County Water District to construct, maintain, and operate works for generating hydroelectric power, at Lake Dulzura and Lake Serena and on Serena Creek in Placer County, and would specify related matters.

The bill would make legislative findings and declarations in this connection.

Ch. 796 (AB 3314) Moore. Public utilities: termination of residential service.

Under existing law, no electrical, gas, heat, or water corporation may terminate residential service for nonpayment without 7 days' notice of proposed termination or during an investigation by the corporation of a customer or subscriber dispute or complaint. A residential customer or subscriber who initiates a complaint or requests an investigation within 5 days of receipt of a disputed bill is required to be given a review of the matter by a review manager of the corporation, including consideration of an amortization plan for any delinquent charges, and no termination of service is permitted if the customer or subscriber complies with the amortization agreement and keeps the account current. A customer or subscriber may, under these provisions, appeal an adverse determination by the corporation to the Public Utilities Commission.

This bill would prohibit any electrical, gas, heat, telephone, or water corporation from terminating residential service for nonpayment of any delinquent account or other indebtedness owed by the customer or subscriber to any other person or corporation or when the customer's or subscriber's delinquent account or indebtedness was incurred with a person or corporation other than the electrical, gas, heat, telephone, or water corporation demanding payment. This prohibition would, however, not apply in the case of a telephone corporation operating within service areas furnishing billing services to the subscribers of a telephone corporation operating between service areas pursuant to

tariffs providing for the furnishing of these billing services. The bill would direct the commission to require that these tariffs provide for adequate subscriber notice, review, and appeal procedures prior to termination of service for nonpayment of a delinquent account. This prohibition would also not apply to any publicly owned or privately owned public utility which collects sanitation or sewerage charges for a public agency pursuant to agreement authorized by law.

The bill would also make other technical, corrective, and conforming changes.

Ch. 797 (AB 3870) McClintock. Public hospitals.

(1) Under existing law, the state or any county hospital may bring an action to recover money due on account of a patient's support at any time within 4 years after the accrual of the action.

This bill would instead provide that accounts for the support of a patient at a state or county hospital are book accounts, as defined, and authorize actions on them to be commenced at any time within 4 years after the last date of service or the last date of payment.

(2) Existing law requires notice to be sent to the Directors of Mental Health and Developmental Services relating to certain petitions in guardianship or in conservatorship for a ward or conservatee discharged from a state hospital

This bill would eliminate these notices upon the presentation of account for settlement and allowance if the ward or conservatee is not a patient in, or on leave or on outpatient status from, a state hospital who has less than specified assets and annual income.

(3) Existing law prohibits state hospitals from requiring patients to pay for their care if the payments are likely to reduce the patient's estate to such an extent that he or she is likely to become a burden on the community upon release. However, the payments may be made from the patient's estate where the state hospital has certified to the effect that the patient's recovery and release from the hospital is unlikely.

This bill would repeal these provisions and provide that payment cannot be extracted from a person who has no more than \$500 of assets

Ch 798 (SB 1408) Johnson. Hazardous waste: recycling

Existing law requires the State Department of Health Services to encourage the reduction or exchange, or both, of hazardous waste.

This bill would specify that this encouragement includes publishing and distributing directories of hazardous waste recyclers, and lists of hazardous wastes, to enable persons to match waste constituents with needs for materials.

The bill would also make a statement of legislative intent.

Ch 799 (SB 1564) Johnson. Real estate licensees nonresident applicants for licensure.

Existing law imposes the same requirements upon resident and nonresident applicants for licensure as real estate licensees, except that nonresidents are required to meet specified provisions on personal service of process, as well.

This bill would specify additional requirements which a nonresident must meet to be eligible for a real estate license, including a requirement that the state or other jurisdiction which is the place of residence of the applicant must permit a resident of California to qualify for and obtain a real estate license in that jurisdiction. This bill would exempt from this second requirement foreign corporations having an officer, as designated, who is a licensed real estate broker and a resident of California.

Ch. 800 (SB 1669) Ellis. Developmental disabilities.

Under existing law, the State Department of Developmental Services is required to establish rates of payment for community living facilities for persons with developmental disabilities. This bill would require the department, in reviewing the sufficiency of these rates by March 1, 1985, to take into consideration a certain study done by the State Council on Developmental Disabilities. The bill would also require the department, in conducting its redetermination of basic living costs for the 1985-86 fiscal year, to identify and consider any prior year cost increases which have not been addressed by recent rate increases

This bill would take effect immediately as an urgency statute.

Ch. 801 (SB 1845) Seymour. Public Employees' Retirement System: optional membership.

(1) A provision of the Public Employees' Retirement Law excludes from membership part-time employees, with specified exceptions

This bill would make clarifying changes in item (1) above by specifying that members of the State Personnel Board and the Air Resources Board may elect for membership, as specified.

(2) This bill would take effect immediately as an urgency statute

Ch. 802 (SB 2222) Keene. Disclosure of public records court order

Existing law requires the superior court of the county where public records are being withheld from the public to examine the records in camera and to order the public official to disclose the records or to issue an order supporting the public official's refusal to disclose.

This bill would provide that, in an action filed on or after January 1, 1985, an order by the court pursuant to the above provisions is not a final judgment from which an appeal may not be taken but shall be immediately reviewable by an appellate court by petition for an extraordinary writ of review.

Ch. 803 (SB 2270) Marks. Agricultural land.

Existing law contains various provisions relating to the preservation of agricultural land

This bill would authorize the State Coastal Conservancy to enter into an agreement with the County of Marin to operate a demonstration project for the purpose of determining the feasibility of preserving productive agricultural lands through the acquisition of nonpossessory interests in that land by an agricultural land trust. The bill would authorize the County of Marin to enter into an agreement and make payments to an agricultural land trust from any grant made to the county by the conservancy to carry out these provisions.

The bill would require the conservancy to submit annual reports, and a final report on July 1, 1989, on the project to the Legislature

The provisions of the bill would be repealed on January 1, 1990, but the bill would specify that the County of Marin would retain the authority to enforce the provisions of any agreement entered into with an agricultural land trust

Ch. 804 (SB 2276) Watson. South Coast Air Quality Management District: fee schedules.

(1) The Lewis Air Quality Management Act authorizes the board of directors of the South Coast Air Quality Management District to adopt a schedule of fees for permits and variances.

This bill would authorize the south coast district board to adopt a fee schedule for approval of plans for the control of emissions of air contaminants required by district rules or regulations. The bill would impose a state-mandated local program by requiring a publicly owned public utility to pay the fees required.

(2) The act requires the south coast district board to appoint a hearing board which has the powers and duties vested in the hearing board of a county air pollution control district.

This bill would impose a state-mandated local program by giving the hearing board additional powers and duties with respect to plans for control of emissions of air contaminants required by district rules and regulations.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 805 (AB 2192) Nolan. Parole.

Existing law gives the Board of Prison Terms specified powers and duties with respect to the setting, postponing and rescinding of parole dates, and the suspension and revocation of parole. Existing law provides that the Governor of the state shall have like power to revoke the parole of any prisoner, as specified. Existing law makes it the duty of all peace officers to execute any such orders to retake and return prisoners to prison.

This bill would provide that up to 90 days prior to a scheduled parole release date, the Governor shall have the power to request a review of any decision concerning the grant or denial of parole to any prisoner in a state prison. The Governor would be required to state the reasons for the request, as specified. When a request has been made, the full board would be required to review the decision, and a majority vote of the board would be required to grant parole to any prisoner.

Additionally, this bill would enact the "Condit-Nolan Public Participation in Parole Act of 1984," which would authorize any interested person to submit a statement of views in support of or in opposition to the granting of parole. The board would be required to review all information received, include in its report a statement that it has reviewed all information received from the public, and draw specified conclusions relative to the granting of parole.

This bill would also require the Board of Prison Terms to revoke the parole of any prisoner who refuses to sign a parole agreement setting forth the conditions of parole. Confinement pursuant to any one such revocation would be limited to 6 months, except as specified.

Ch 806 (SB 1653) L. Greene. Workers' compensation: penalties.

Under existing law, if the payment of workers' compensation has been unreasonably delayed or refused, either prior to or subsequent to the issuance of an award, the full amount of the order, decision, or award shall be increased by 10%.

This bill would require the Workers' Compensation Appeals Board to also award reasonable attorneys' fees incurred in enforcing the payment of workers' compensation awarded if payments are unreasonably delayed or refused by a self-insured public employer subsequent to the issuance of an award.

This bill would also state the intent of the Legislature with regard to the bill.

Ch. 807 (AB 3018) Klehs. Director of Food and Agriculture economic poisons information

(1) Existing law requires manufacturers, importers, and dealers of economic poisons to be licensed, registered, and assessed a specified fee by the Director of Food and Agriculture in order to do business in this state. Each registrant's records of assessable transactions are subject to an audit by the director.

This bill would authorize the director to adopt regulations that require registrants to provide information necessary to enable the director to perform the audit and to carry out other related powers or duties. The bill would specify that the regulations could include a requirement that a registrant provide information on the quarterly dollar sales of, and the quarterly pounds of, each registered economic poison sold for use in this state.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by creating a new crime.

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 808 (AB 3059) Killea. Transportation: San Diego County: express bus service

Under existing law, until July 1, 1985, San Diego County is authorized to receive funds under the Mills-Alquist-Deddeh Act to provide express service and vanpool service for commute purposes and for accessibility between residential areas and major activity centers. The county is authorized to contract for the express bus service with common carriers of persons operating under a license or franchise.

This bill would delete the July 1, 1985, termination date for these provisions and would authorize the county to contract with private entities, instead of common carriers of

persons, operating under a license or franchise to provide the express bus service.

Ch. 809 (AB 3068) Vasconcellos. Agnews State Hospital

Existing law prohibits the opening of any public street or road through the lands of any state hospital for any purpose, except for hospital use, unless the Legislature by special enactment consents thereto.

This bill would authorize the Director of General Services to enter into an agreement with the City of Santa Clara for the dedication of a public right-of-way and the granting of long-term easements, as specified, by the department over and across state property within Agnews State Hospital, for public road and other public purposes, and would impose various limitations thereon, as specified

This bill would authorize the director, subject to such terms, conditions, reservations, and exceptions as the director deems in the best interests of the state, to exchange a 1.54 acre parcel of land within Agnews State Hospital, as specified, for 2 parcels of land owned by a private organization, totaling 1.54 acres of land, as specified.

This bill would also provide that the private organization may be charged for actual costs, as specified, not to exceed \$20,000, before entering into any agreement for the exchange of land.

Ch. 810 (AB 3083) Alatorre. Public social services.

Under existing law, the State Department of Social Services may contract with public agencies or private nonprofit corporations to provide services to deaf and hearing-impaired persons.

This bill would provide that a public agency or private nonprofit corporation providing public social services may charge a fee to public and private agencies for those services and may retain the income it earns, and use it for specified purposes.

This bill would also provide that all program income received shall be accounted for to the State Department of Social Services.

This bill would also take effect immediately as an urgency statute.

Ch. 811 (AB 3095) Cortese. Santa Clara Valley Water District.

(1) Under existing law, taxes or assessments of the Santa Clara Valley Water District are levied and collected together with county taxes and the revenues derived from the taxes or assessments are paid into the county treasury to the credit of the district.

This bill would provide for the taxes or assessments together with penalties thereon to be so paid to the credit of the district.

(2) Under existing law, the board of directors of the district may lease or dispose of property in accordance with specified provisions.

This bill would generally provide that the board shall be governed in the sale or lease or other disposition of real property by the requirements of law governing that action by counties, would authorize the board to prescribe an alternative procedure for the leasing of real property where the rental, as determined by a qualified real estate appraiser, does not exceed \$2,500 per month, and would make related changes.

Ch. 812 (AB 3106) Stirling. Nonprofit corporations: voting of membership.

(1) Under the existing General Corporation Law, a corporation is prohibited from making any loan of money or property to, or guaranteeing the obligation of, any director or officer of the corporation or of its parent or subsidiary, unless the transaction or an employee benefit plan authorizing the loan or guaranty, is approved by the shareholders, as specified.

This bill would eliminate this prohibition with respect to a director or officer of any subsidiary of the corporation making the loan.

Existing law prohibits a corporation from making loans or guaranties secured by shares of the corporation's stock to any person, unless the loans or guaranties are otherwise adequately secured, made pursuant to an employee benefit plan, approved by the shareholders excluding the shares of the borrower, or approved by unanimous vote of the shareholders.

This bill would revise this prohibition to apply to loans or guaranties upon the security of shares of the corporation or of its parent if the corporation's recourse in the event of default is limited to the security for the loan or guaranty, unless the loan or guaranty

is adequately secured without considering these shares, or the loan or guaranty is approved by the shareholders, as specified

(2) Existing law applicable to both public benefit and mutual benefit corporations sets forth requirements for voting by the membership, both at a meeting or by written ballot. Inspectors of election may be appointed to administer the voting when a membership meeting is held.

This bill would provide that inspectors of election shall be appointed in the case of a vote by written ballot to act with the same powers and duties as when voting is conducted at a membership meeting.

(3) Existing law applicable to both public benefit and mutual benefit corporations also provides for cumulative voting by members for the election of directors, if the articles or bylaws authorize cumulative voting. Existing law also provides that in any election of directors, the candidates receiving the highest number of votes are elected, subject to any lawful provision specifying election by classes.

This bill would provide that in any election by cumulative voting, the candidates receiving the highest number of votes are elected, subject to any lawful provision specifying election by classes; and in any other election, the candidates receiving the highest number of votes are elected unless otherwise provided in the articles or bylaws.

(4) Existing law requires a domestic or foreign or foreign business corporation or other specified corporation to file a specified certificate with the Secretary of State before it may be designated as the agent of a corporation for the purpose of service of process, and prohibits the filing of such a certificate unless the corporation filing is authorized to do business in this state and is in good standing on the records of the Secretary of State

This bill would repeal these provisions

(5) Existing law provides that the directors of a corporation who approve certain corporate actions are jointly and severally liable to the corporation or to its creditors in specified actions.

This bill would, instead, make these directors liable to the corporation in certain actions by the head organization or members or to the corporation for the benefit of these creditors, as specified

(6) Existing law specifies the liability of a person to a corporation for knowingly receiving an unauthorized corporate distribution, including liability for the injury suffered by nonconsenting members.

This bill would revise this provision to, among other things, apply to distributions prohibited by law rather than unauthorized by law, and to include payments in redemption of membership within these distributions

(7) This bill would make other technical and conforming changes

Ch 813 (AB 3107) Stirling Juvenile court law

Under existing law, during the pendency of any proceeding for a judgment of nullity or dissolution of marriage the superior court may issue ex parte orders restraining parties to the proceedings from certain forms of conduct and determining certain matters including visitation with the minor children of the parties.

This bill would authorize a juvenile court, when it terminates its jurisdiction over a minor who has been adjudged a dependent child of the juvenile court and either proceedings for the declaration of the nullity or dissolution of the marriage of the minor's parents are pending in the superior court of the same county, or an order concerning the custody of that minor has been entered, also to issue certain of those orders, as well as an order determining the custody of or visitation with the child, as specified.

Ch. 814 (AB 3193) Hayden. Employment: disclosure of wages.

Existing law does not prohibit an employer from requiring an employee to refrain from disclosing the amount of his or her wages.

This bill would prohibit an employer from requiring, as a condition of employment, that any employee refrain from disclosing the amount of his or her wages, from requiring any employee to sign a waiver or other document which purports to deny the employee the right to disclose the amount of his or her wages, or from discharging, formally disciplining, or otherwise discriminating against, for job advancement, an employee who discloses the amount of his or her wages

Ch. 815 (SB 1468) Robbins. Contracting. contractor's license number.

Existing law prohibits unlawful advertisement for construction or work of improvement by persons not licensed or exempted from licensure under the Contractors License Law, prohibits contracting without a license, and prohibits acting in the capacity of a contractor under any license issued under the Contractors License Law, except in the name of the licensee, or in accordance with the personnel of the licensee, as set forth upon the license.

This bill would provide that any person who willfully and intentionally uses, with intent to defraud, a contractor's license number which does not correspond to the number on a currently valid contractor's license held by that person is punishable by a fine not exceeding \$10,000, or by imprisonment in the state prison, or in county jail for not more than one year, or by both the fine and imprisonment.

The bill would also declare that this penalty is cumulative to the penalties available under all other laws of this state.

This bill would impose a state-mandated local program by creating a new crime and thus requiring cities and counties to provide an increased level of law enforcement.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 816 (SB 2203) Montoya. Cosmetology.

Under existing provisions of law relating to barbers, a barbershop embraces any establishment or place of business wherein the practice of barbering is engaged in or carried on.

The bill would provide that if a new barbershop is located in the same room as an existing cosmetological establishment, the barbershop owner shall not be required to comply with specified requirements relating to the initial opening of a barbershop and would further specify that the existing equipment and plumbing in the cosmetological establishment shall be included in determining the minimum equipment and plumbing required for the barbershop.

Existing law provides that the use of any room or place for barbering which is also used for residential or business purposes constitutes a cause for disciplinary action against the barber by the Board of Barber Examiners, or constitutes a misdemeanor, unless a substantial partition of ceiling height or of a lesser height as approved by the board separates the portion used for residential or business purposes.

This bill would make those disciplinary and misdemeanor provisions inapplicable to any room or place for barbering which is also used for residential or business purposes if the place or room is a licensed cosmetological establishment.

Existing law prohibits the operation of a cosmetological establishment, school of cosmetology, hairdressing shop, beauty parlor, or any other place of business in which the act of cosmetology or any of its branches is taught or practiced, with the exception of the branch of manicuring as practiced in a barbershop, unless licensed under the Cosmetology Act.

This bill would additionally exempt the branch of cosmetology as practiced in a barbershop from that requirement.

Existing law defines a cosmetological establishment as any premises, building, or part of a business where any branch or any combination of branches of cosmetology is practiced, or the occupation of a cosmetologist is practiced, except the branch of manicuring as practiced in barbershops.

This bill would also exempt the branch of cosmetology as practiced in barbershops from that definition.

The bill would specify that if a new cosmetological establishment is located in the same room as an existing barbershop, the existing equipment and plumbing of the barbershop shall be included in determining the minimum equipment and plumbing required for the cosmetological establishment.

Ch. 817 (AB 3387) Farr. Gill nets. swordfish.

(1) Existing law requires, until January 1, 1988, a permit for the commercial taking of shark and swordfish by the use of drift gill nets. This permit is not required to take shark north of Point Arguello, as specified.

The bill would permit swordfish to be taken, in addition to shark, north of Point Arguello under the existing shark and swordfish permit.

This bill would, additionally, enact another new permit requirement, until February 1, 1988, for the commercial taking of swordfish north of Point Arguello by the use of drift gill nets. Thirty-five permits to take swordfish would be available under the bill, and the bill would provide for a random drawing by the department to determine to whom the permits are issued if more than 35 certified applications for new permits in the first year are received or, in the second and subsequent years, if less than 35 certified applications for reissue are received. The bill would include regulation of the size of the net mesh, recordkeeping requirements, hours of use of the nets, prohibited locations of use, and other related provisions, including a prohibition on the taking of marlin for commercial purposes or the taking of marlin by a person operating under a permit pursuant to the bill to possess marlin. Specified fees for the permits would be imposed. The bill would impose a state-mandated local program by creating new crimes.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(3) The bill would take effect immediately as an urgency statute

Ch. 818 (AB 3202) Bader. Counties. ordinances.

(1) Existing law prescribes various requirements and procedures for the adoption and amendment of county ordinances and county codes.

This bill would make technical changes in the prescribed requirements and procedures, and would expressly permit a section or subsection of a county code to be repealed or rendered inoperative by reference, if language in the ordinance making such change fairly identifies the subject matter of the sections or subsections which it repeals or renders inoperative.

(2) Existing law requires that a section of a county code which is revised or amended be readopted and published at length as revised or amended.

This bill would, instead, require that an amended or revised section of a county ordinance, be adopted and published accompanied by a summary thereof prepared by a designated official, with the names of those supervisors voting for or against the amendment. In so doing, the bill would impose a state-mandated local program.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(4) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch 819 (AB 3205) Bader. Public roads: county repairs.

Existing law authorizes a county board of supervisors to make improvements or repairs to a private road if a grant or lease of a right-of-way is given to the appropriate public agency for that purpose.

This bill would, in addition, authorize a board, if it declares a state of local emergency as a result of locally heavy rainfall or flood, to authorize the expenditure of road funds for emergency repairs to a public road which is not a county highway and not in the

county maintained system, without obtaining a grant or lease of right-of-way for the purpose, if the repairs are necessary for minimum public access.

Ch. 820 (AB 3245) Statham Public cemetery districts.

(1) Under existing law, the trustees of public cemetery districts are authorized to create an "endowment care fund."

This bill would require, rather than authorize, the trustees of public cemetery districts to create an "endowment care fund" on or before July 1, 1985. The trustees would also be mandated to require a deposit in the fund for each burial right sold. These new duties imposed upon the trustees of public cemetery districts constitute state-mandated local programs.

(2) Under existing law, the trustees of public cemetery districts serve without compensation, but they may receive traveling expenses.

This bill would permit the trustees of a public cemetery district to provide that a trustee may receive up to \$50 for attendance at each public meeting, but no more than \$100 in any calendar month.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 821 (AB 3254) Isenberg Juvenile court law.

Under existing law, when a minor is adjudged a ward of the juvenile court on the basis of criminal conduct, the court may make any of various orders regarding the minor, including that custody and control shall be under the supervision of the probation officer who may place the minor in various places, including a licensed community care facility.

This bill would provide that such a placement shall be in the county of residence of the minor, except as specified and would provide for judicial review of such a placement decision, upon a specified petition. It would require the probation officer of a county making an out-of-county placement to give specified notice, thus establishing a state-mandated local program. In the case of a Youth Authority ward who is so placed, the parole officer in charge of his or her case would be required to give that notice.

It also would require the State Department of Social Services to provide a specified roster of community care facilities, at cost, to the chief probation officer of each county and city and county, in addition to the agencies to which it is required to provide the roster under existing law, as specified. It also would require that the roster shall be provided quarterly, rather than annually. It would limit the roster's distribution to those agencies requesting it. It also would require the department to give a specified notice as to designated licensure changes with regard to community care facilities.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 822 (AB 3294) O'Connell Recall election

Under existing law, it is provided that a notice of intention to recall and an answer to a notice of intention to recall an elected officer be served personally or by certified mail, on the officer whose recall is sought and, with respect to the answer, on one of the

proponents named in the notice of intention

This bill would provide that the notice and answer may be served by personal delivery rather than personally.

It would also incorporate changes in Section 27021 of the Elections Code made by Chapter 13 of the 1984 Statutes.

Ch 823 (AB 3374) Stirling School employees. management and confidential employees.

Existing law authorizes the governing board of a school district to employ persons in positions not requiring certification qualifications as a part of the classified service, as prescribed

This bill would authorize the governing board of any school district which has not adopted the merit system for classified employees to contract with temporary-help employment agencies to fill vacancies of management and confidential employees in this classified service without the necessity of complying with the requirements of existing law governing the classified service.

This bill would limit the contracts for the services of these persons to 60 working days per position per approved leave period, not to exceed two per year

Ch 824 (AB 3408) McClintock. Law enforcement: peace officers.

Existing law makes it unlawful for any person to report to any police officer, sheriff, deputy sheriff, member of the Highway Patrol, or employees of the Department of Justice that a bomb or other explosive has been or will be placed or secreted in any public or private place knowing that the report is false. Existing law further makes any person who reports to any police officer, sheriff, deputy sheriff, or member of the California Highway Patrol that a felony or misdemeanor has been committed, knowing that the report is false, guilty of a misdemeanor. Existing law also makes a person guilty of a misdemeanor if that person represents oneself as another or as a fictitious person to a police officer, sheriff, deputy sheriff, marshal, deputy marshal, member of the Highway Patrol, or member of the state police upon a lawful detention or arrest either to evade the process of the court or to evade the proper identification of that person by the investigating officer.

This bill would delete the above specified categories of peace officers from those provisions and instead make those acts and reports unlawful if made to any peace officers listed in Section 830.1 or 830.2 of the Penal Code, and would also make those acts and reports unlawful if made to any other peace officer, as defined, under specified circumstances

The bill would mandate a new program or higher level of service on local government by expanding the scope of an existing crime

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 825 (AB 3475) Harris Arbitration of attorneys' fees.

Existing law delineates a procedure for the arbitration of disputes concerning attorney's fees.

This bill would revise and recast that procedure, including prohibiting the award of affirmative relief for injuries underlying claims of malpractice and professional misconduct, as specified; specifying that even if the parties to the arbitration have not agreed in writing to be bound, the arbitration award shall become binding upon the passage of 30 days unless a trial after arbitration has been sought, as specified, and providing for a specified immunity for the Board of Governors of the State Bar, the arbitrators, and the arbitrating local bar association, its directors, officers, and employees with respect to such a proceeding.

Ch. 826 (AB 3568) Frizzelle. Highways: exclusive or preferential lanes.

Existing law requires the Department of Transportation and local authorities to place and maintain signs and other official traffic control devices to designate authorized exclusive or preferential lanes and to advise motorists of the hours of high-occupancy vehicle usage and the applicable vehicle occupancy levels.

This bill would delete the requirement that the department and local authorities place and maintain signs and other official traffic control devices to advise motorists of the hours of high-occupancy vehicle usage where ramp metering and bypass lanes are regulated with the activation of traffic signals.

The bill would take effect immediately as an urgency statute.

Ch. 827 (AB 3639) Floyd. Cal-Vet: purchasers' life and disability insurance.

The Veterans' Farm and Home Purchase Act of 1974 permits the Department of Veterans Affairs to provide disability and life insurance coverage for Cal-Vet purchasers through a master agreement which, among other things, may provide for the maintenance of such reserves as the department deems reasonable and prudent.

This bill would require the department to consult with the Insurance Commissioner before establishing the amount of the reserves it deems reasonable and prudent.

Ch. 828 (AB 3698) Calderon. Real property loans: appraisal fees.

Existing law requires a real estate broker, acting in the capacity of a mortgage loan broker, to deliver a statement to the borrower which includes, among other things, the amount of appraisal fees.

This bill would additionally specify that in any loan transaction in which a fee is charged to a borrower for an appraisal, a copy of the appraisal be given by or on behalf of the broker to both the borrower and the lender at or before the closing of the loan transaction.

Ch. 829 (AB 3823) Filante. Local agency formation commissions.

Existing law requires a local agency formation commission to submit an annual estimate to the county board of supervisors of the amount of funds which are required for necessary quarters, equipment, supplies, and the usual and necessary operating expenses incurred by the commission.

Existing law requires the board of supervisors to provide for the use of the commission an amount which is not less than any of the following. (1) the amount fixed by the commission, (2) the amount provided during the previous fiscal year, increased by the same percentage as the increase in the county's revenue limit, or (3) the amount calculated in (2) plus any additional amount deemed necessary by the board of supervisors.

This bill would, instead, require the board of supervisors to provide for the use of the commission an amount which is not less than any one of the amounts specified above, which the board deems appropriate.

Ch. 830 (AB 3929) Hughes. Free or reduced price meals.

(1) Under existing law, free or reduced price meals are provided to needy children by school districts and county superintendents of schools.

This bill would impose a state-mandated local program by requiring the governing board of each school district and each county superintendent of schools to make the applications for these meals available at all times during each regular school day, would require the application to contain specified statements, and would also require these entities to formulate a plan, as specified, to ensure that children eligible for these meals shall not be treated differently from other children.

The bill would also require applications and records made in connection with these meal programs be confidential except as otherwise specified.

(2) Under existing law, the State Department of Education is required to make allowances to schools from the State Child Nutrition Fund for school and child care and development program meals.

This bill would require the State Department of Education to make allowances to school food authorities and child care food program sponsors from the State Child Nutrition Fund each month. It would also require these providers to submit claims within a specified time period, thereby imposing a state-mandated local program.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school

districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 831 (SB 555) Nielsen. Public library funding

(1) Existing law establishes a method by which the Controller computes state aid to each public library, as defined, for the 1982-83 fiscal year and each fiscal year thereafter.

This bill would transfer these duties to the State Librarian. This bill would also change the date upon which reports from the fiscal officer of each public library are due from August 31 of each fiscal year to October 31 of each fiscal year.

(2) Existing law requires that state aid to each public library be distributed by the Controller in accordance with a prescribed schedule which provides for 3 payments during the fiscal year

This bill would delete this schedule and would, instead, require that, commencing with the 1984-85 fiscal year, 100% of the aid be distributed to each public library on or before January 15 of the fiscal year.

This bill would take effect immediately as an urgency statute.

Ch. 832 (SB 1338) Deddeh. Public school employer-employee relations: peace officer supervisors

Existing law governing public school employer-employee relations provides that a negotiating unit of supervisory employees shall not be appropriate unless it includes all supervisory employees employed by the school district.

This bill would, in addition, provide that, in districts which employ 20 or more supervisory peace officer employees, a negotiating unit of supervisory employees shall be appropriate if it includes all supervisory nonpeace officer employees employed by the district, exclusively, or if it includes all supervisory peace officer employees employed by the district, exclusively.

This bill would impose a state-mandated local program by requiring school districts to meet and negotiate with supervisory peace officer employees separately from other supervisory employees of the district.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 833 (SB 1485) Speraw Communications.

Existing law prohibits the knowing and willful manufacture, distribution, or sale of any device or plan or kit for a device, or printed circuit containing circuitry for interception or decoding for the purpose of facilitating an unauthorized interception or decoding of subscription television transmissions made pursuant to authority granted by the Federal Communications Commission, for profit, and provides specified misdemeanor penalties for violations thereof.

This bill would similarly punish every person who for profit knowingly and willfully manufactures, distributes, or sells any device or plan or kit for a device, or printed circuit containing circuitry for decoding or addressing with the purpose or intention of facilitating decoding or addressing of any over-the-air transmission by a Multi-point Distribution Service or Instructional Television Fixed Service made pursuant to authority granted by the Federal Communications Commission which is not authorized by the Multi-point Distribution Service or the Instructional Television Fixed Service

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by creating a new crime.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill would take effect immediately as an urgency statute

Ch. 834 (SB 1606) Royce. California Apprenticeship Council.

Existing law requires the Governor to appoint a California Apprenticeship Council and provides that the members of the council serve staggered 2-year terms.

This bill would provide that the council is in the Division of Apprenticeship Standards, would provide that the members of the council serve staggered 4-year terms, and would specify the ending dates of the first terms beginning with appointments made in 1985.

Existing law provides that the Director of Industrial Relations, the Superintendent of Public Instruction, and the Chancellor of the California Community Colleges are also members of the council. The superintendent and the chancellor may designate a permanent replacement to serve on the council

This bill would also permit the director to designate a permanent replacement to serve on the council.

Ch. 835 (SB 1726) Keene. Forest and rangelands.

Under the Forest Resources Assessment and Policy Act of 1977, the Director of Forestry is required to periodically prepare and submit a forest resource assessment and analysis to the State Board of Forestry and the Secretary of the Resources Agency.

This bill would reenact the act the Forest and Rangeland Resources Assessment and Policy Act of 1977, would require the assessment and analysis prepared by the director to include an assessment of rangeland resources, including improving the potential for rangeland forage, and an assessment and critique of federal policies with respect to rangeland and timberland, as defined. The bill would make additional conforming and nonsubstantive changes.

Ch. 836 (SB 1905) Petris. Libraries and related educational facilities. construction and renovation.

Existing law authorizes the State Public Works Board, among other things, to acquire and construct public buildings, charge and collect rentals for the use of public buildings, and issue certificates or revenue bonds to obtain funds to pay the cost of public buildings.

This bill would authorize the board to finance the construction or renovation, and the equipping, of public buildings or facilities within the University of California, the California State University, the California Maritime Academy, and the California Community Colleges, as specified. It would require that any of these public buildings be used only for libraries and related educational facilities. It would authorize the board to lease-purchase those public buildings or facilities to the Regents of the University of California and to lease or lease-purchase them to the Trustees of the California State University, the Board of Governors of the California Maritime Academy, and the California Community College districts, as specified, for those specified purposes.

This bill would authorize the board to issue certificates or revenue bonds, negotiable notes, or negotiable bond anticipation notes to finance the cost of construction or renovation and the equipping of the public buildings or facilities, as specified. It would specifically require that the rentals, revenues, or receipts from the public buildings and equipment be pledged to the payment of the principal and interest on the certificates,

revenue bonds, notes, or anticipation notes. It would prohibit the issuance of certificates, revenue bonds, notes, or anticipation notes and the construction or the renovation or the equipping of the public buildings or facilities unless the Legislature, by statute, authorizes the issuance of the certificates, revenue bonds, notes, or anticipation notes for, and the construction of, that public building or facility.

Ch. 837 (SB 2036) Carpenter. Aid to families with dependent children—refugees.

Existing law provides that Aid to Families with Dependent Children (AFDC) program recipients must register with the Work Incentive (WIN) program. Except where specified, all recipients must participate in employment training services offered under that program.

Existing law further provides that the WIN program is administered by the Employment Development Department.

This bill would provide that, for refugees, as defined, who are applicants for, or recipients of, the AFDC program, the Employment Development Department shall refer these clients to social services programs for refugees if the programs are deemed by the Employment Development Department as appropriate programs to meet the employability plans of the clients.

The bill would declare, however, that the same rights and sanctions would be applicable to refugees, as to other recipients.

The bill would provide that the department, together with the State Department of Social Services, shall seek federal funding for this program, and that the program shall not be implemented unless federal funding is received.

Ch. 838 (SB 2098) Boatwright Work furlough.

Existing law permits 2 or more counties having work furlough programs to enter into agreements whereby a person sentenced to, or imprisoned in, the jail of one county but regularly employed in another county, may be transferred to the jail of the county in which he or she is employed to continue his or her regular employment.

This bill would further permit, under such agreements, a person sentenced to, or imprisoned in the jail of one county who regularly resides in another county to be transferred to that county to continue his or her regular education.

Ch. 839 (SB 2110) Marks. Guide dogs for the blind. board officers' school audits.

Existing law requires the Board of Guide Dogs for the Blind to elect a secretary of the board from the board's membership and authorizes the board to appoint an executive officer, as described, as well. Existing law sets forth the various duties of the executive officer.

This bill would repeal the provision which authorizes the board to appoint an executive officer and would amend the provisions setting forth the various duties of the executive officer to provide that the duties are to be performed by the secretary.

Existing law requires schools which furnish guide dogs and train blind persons to use guide dogs to furnish to the State Board of Guide Dogs for the Blind, within 60 days after the end of a calendar year or after the termination of the fiscal year of a school, a financial statement of the guide dog training activities of the school.

This bill would, instead, require the schools, within 180 days after the end of a calendar year or after the termination of the fiscal year of a school, to furnish to the board an independent audit of the school's finances by a certified public accountant licensed by this state.

Ch. 840 (SB 2303) Rosenthal. Gas. cogeneration technology projects.

Under existing law, the rates charged by public utilities for the services or commodities furnished by them, including gas, are established by the Public Utilities Commission.

This bill would direct the commission to establish rates for gas utilized in cogeneration technology projects not higher than rates for gas utilized as a fuel in the generation of electricity by electric plants, which rates apply only to a designated quantity of that gas, as specified.

Ch. 841 (SB 2308) Watson. Driving offenses. fines' alcoholism program

(1) Under existing law, \$50 of each fine for a conviction of specified reckless driving and driving under the influence is required to be deposited for allocation by the adminis-

trator of the county's alcoholism program with the approval of the board of supervisors, for alcohol programs and services for the general population.

This bill would require that in a county of the first, second, or fifteenth class the \$50 deposit be made for each conviction, whether or not a fine is imposed, thereby increasing the level of service required of a local agency under an existing program.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 842 (SB 989) Caramendi. Infant botulism prevention.

Existing law contains no express provisions respecting an infant botulism prevention program.

This bill would establish such a program under the administration of the State Department of Health Services to the extent that funding is provided in the Budget Act. It would require the program at a minimum to provide all of the following:

(1) Diagnostic, medical, and public health expertise about infant botulism to all physicians, hospitals, laboratories, and parents statewide.

(2) Investigation of all new cases of the disease with both field and lab techniques for purposes of acquiring the broadest data base for prevention and optimal treatment.

(3) Development and implementation control measures, as specified

(4) Collaboration with specified university and hospital institutions

The bill would require a specified report by the department

The provisions of the bill would be repealed January 1, 1988.

Ch. 843 (SB 2067) Ayala. Trials- costs.

Existing law provides for payment by the state to counties of specified costs of trials based upon indictments filed between November 1, 1970, and June 30, 1970, relating to escapes from state prisons

This bill would allow payment by the state in additional cases relating to escapes from state prisons

Existing law requires a statement of costs of trials to be sent to the Director of Finance. Existing law also requires the director to examine and audit the statement for compliance and further requires the director to pay that portion of costs the director determines are in compliance to the county out of appropriate funds.

This bill would instead impose those duties on the Controller

Ch. 844 (AB 526) Farr. Health care service plans.

Existing law defines "transitional health license," for purposes of the Knox-Keene Health Care Service Plan Act of 1975, as a license issued on October 1, 1977, to a plan which was registered on June 30, 1976, under the Knox-Mills Health Plan Act, and which filed a timely application for licensing as a plan under the Knox-Keene Health Care Service Act of 1975.

This bill would delete the above definition and the provision including a transitional license extended by the commissioner after September 30, 1978, from the definition of the term license for the purposes of the act. The bill would also repeal other provisions relating to those transitionally licensed plans

Ch. 845 (AB 815) Costa. Horseracing. premiums and awards

Existing law requires every racing association other than fairs to pay owners' premiums to persons owning California-bred thoroughbreds at the time of their wins at races having a total purse value of \$10,000 or more, and requires fairs to pay the owners' premiums at races having a total purse value of \$5,000 or more. Existing law requires a payment to the owner of a California-bred thoroughbred winning a race, other than claiming races, at a thoroughbred racing meeting or winning specified claiming races, and also requires the payment of stallion awards, based on a prorated percentage of the winner's share of the purse, as specified, to the owner of sires of California-bred

thoroughbreds in these races and in stakes races run at fairs.

This bill would delete the \$10,000 and \$5,000 purse requirements for payment of owners' premiums to California-bred thoroughbreds and would exclude stakes races in determining the daily average purse for eligibility for owners' premiums and stallion awards in claiming races. The bill would delete stallion awards for thoroughbred stakes races run at fairs and would provide for stallion awards for second and third place finishers in the maximum amounts of \$2,500 and \$2,000, respectively, as well as for winners.

Ch. 846 (AB 839) Cortese. Counties. property tax adjustments: administrative costs.

Existing law requires each county, commencing with the 1983-84 property tax assessment year, to prepare supplemental assessment rolls and collect supplemental property taxes and pay refunds in a specified manner for real property which has been purchased or changes ownership or on which new construction is completed on or after July 1, 1983, and after the lien date.

Existing law provides for the reimbursement of counties from the Supplemental Roll Administrative Cost Fund for specified excess costs of administering provisions relating to those supplemental rolls in the 1983-84 fiscal year. Existing law requires that a county's claim for reimbursement be submitted to the State Board of Equalization no later than January 15, 1984, and forwarded to the Department of Finance for certification by March 1, 1984. If approved by the Department of Finance, the claim is to be paid by the Controller from the Supplemental Roll Administrative Cost Fund no later than April 15, 1984. Existing law appropriates \$10,000,000 from the General Fund to the Supplemental Roll Administrative Cost Fund for purposes of paying those claims.

This bill would require that the claim of any county submitted between January 20 and March 1, 1984, be paid from the Supplemental Roll Administrative Cost Fund, in the amount certified by the Department of Finance. This bill would appropriate an additional \$75,490 from the General Fund to the Supplemental Roll Administrative Cost Fund for purposes of paying county claims for reimbursement.

Ch. 847 (AB 1244) Elder. Long Beach tidelands

Under existing law, all the tide and submerged lands within the city limits of the City of Long Beach have been conveyed to the city by the state for park, parkway, highway, playground, and harbor purposes, except that the city may grant limited utility easements, franchises, leases, or rights-of-way and may lease or use these lands for limited periods for nonprofit benevolent and charitable institutions for seamen and fishermen.

This bill would, in addition, authorize the city to grant perpetual easements and rights-of-way to the state or federal government for the construction, maintenance, and operation of highways.

Ch. 848 (AB 1301) Johnston. Judges' Retirement System: benefits.

The Judges' Retirement Law provides for various payments to members, surviving spouses, surviving children, beneficiaries, and other designees.

This bill would require allowances unpaid at the time of death to a retired judge, a surviving spouse, or a surviving child, to be paid to the survivor entitled to an allowance payable by the system or, if none, to the estate of the retired judge, surviving spouse, or surviving child.

A provision of the Judges' Retirement Law permits any judge who became a municipal court judge on May 23, 1980, to elect, on or before November 30, 1983, to come within the provisions providing benefits to surviving children if an election therefor is made within 6 months of becoming a judge and requires the judge to pay all of the contributions the judge would have made for these benefits had the judge been covered as soon as eligible therefor.

This bill would revise that provision to add the condition that the judge died on September 18, 1983, provide for the effective date of any filed election, as specified, and require the surviving spouse, rather than the judge, to make the required contribution payments.

This bill would also make other related and technical changes.

Ch. 849 (AB 1498) Killea. Vehicles. height.

Under existing law, the height of vehicles upon a highway is restricted to 13 feet 6 inches, with an additional 6 inches allowed for load height, except that a double-deck bus may be 14 feet 3 inches.

This bill would generally make a 14-foot height restriction applicable to vehicles or loads upon a highway, with the existing exception for double-deck buses. However, the bill would prohibit any vehicle or load over 13 feet 6 inches, except where determined safe by the owner of the vehicle or entity operating the bus. The bill would make related changes.

Ch. 850 (AB 1618) Clute. Aviation education.

Under the State Aeronautics Act, aeronautics is regulated by the Department of Transportation pursuant to a state policy of furthering and protecting the public interest in aeronautics and aeronautical progress by various stated means.

This bill would declare it the further purpose of the State Aeronautics Act to develop, in cooperation with specified agencies and institutions and the general public, informational programs to increase the understanding of current air transportation issues and the role of aviation, and to sponsor or cosponsor, with representatives of the aerospace and aviation industry, aviation educational and informational seminars on aviation safety, planning, and airport development and management.

Ch. 851 (AB 2204) Kelley Williamson Act.

Existing provisions of the California Land Conservation Act of 1965 (the Williamson Act) specify that the Director of Food and Agriculture shall receive for filing county or city maps designating agricultural preserves and forms of county or city sample contracts restricting the use of land within a county or city

This bill would transfer these depository functions from the Director of Food and Agriculture to the Director of Conservation.

Existing provisions of the Williamson Act also require that the Director of Food and Agriculture be advised of those acquisitions of land for a public use which involve land within an agricultural preserve, require that the director forward to the acquiring entity comments regarding the effect of the location of a public improvement on land within an agricultural preserve, and permit the director to institute mandamus proceedings in connection with those acquisitions which are based primarily on considerations of lower cost.

This bill would transfer the above powers and duties from the Director of Food and Agriculture to the Director of Conservation and would impose additional related duties upon the Director of Conservation.

Existing provisions of the Budget Act of 1984 appropriate \$847,786,000 from the General Fund for local assistance tax relief, with \$13,200,000 of that amount allocated to open-space subventions. Those provisions also preclude the augmentation of the allocation for open-space subventions.

This bill would eliminate the provision precluding the augmentation of that allocation, thereby making augmentation possible from specified continuously appropriated funds

Ch. 852 (AB 2228) Felando Vehicular parking sidewalk access for wheelchairs.

(1) Existing law prohibits a person from stopping, parking, or leaving standing any vehicle in specified places

This bill would include, among these places, the area in front of that portion of a curb which has been cut down, lowered, or constructed to provide wheelchair accessibility to the sidewalk and which is designated by a sign or red paint on the curb pursuant to a city or county ordinance. The bill would impose a state-mandated local program by making a violation of the prohibition an infraction.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 853 (AB 2229) Felando. Income taxation: repairing and remodeling expenses

Existing provisions of the Personal Income Tax Law and Bank and Corporation Tax Law permit a taxpayer to deduct, not to exceed a specified amount in any taxable or income year, the cost of repairing or remodeling any building, facility, or transportation vehicle owned or leased by the taxpayer in order to permit handicapped or elderly individuals to enter or leave, to have increased access to, or to have more effective use of, that building, facility, or transportation vehicle. The deduction is authorized for any taxable or income year beginning after December 1, 1976, and before January 1, 1985.

This bill would delete the January 1, 1985, date, thereby making the authorized deduction permanent.

This bill would take effect immediately as a tax levy. However, its provisions would be applicable in the computation of taxes for taxable or income years commencing on or after January 1, 1984.

Ch 854 (AB 2236) Young Burglary cargo containers.

Existing law defining burglary does not expressly include cargo containers. Existing law, for purposes of taxation, defines containers used for transportation of cargo.

This bill would include locked or sealed cargo containers, as defined, as places subject to the crime of burglary.

The bill would impose a state-mandated local program by changing the definition of a crime.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill would incorporate additional changes in Section 459 of the Penal Code, proposed by SB 2246, to be operative only if SB 2246 and this bill are both chaptered and become operative January 1, 1985, and this bill is chaptered last.

Ch 855 (AB 2349) McAlister Unemployment insurance: reimbursement financing

Existing law authorizes nonprofit organizations to elect to finance their liability for unemployment insurance benefits for their employees by reimbursing the Unemployment Fund for the cost of benefits, in lieu of making contributions to their reserve accounts in the fund based on tax rates. This election must continue in effect for not less than 2 full calendar years.

This bill would increase the required election period to 5 full calendar years. It would further provide that, to the extent permitted by federal law, a nonprofit organization which makes the election and has a favorable reserve account on the date the election takes effect shall not be liable for the reimbursement of benefits pursuant to the election to the extent that the cost of benefits does not exceed the amount in the reserve account. The reserve account would be charged with any cost until exhausted. The bill would also provide that a nonprofit organization which has previously made the election described above and which on the operative date of the act has a favorable reserve account shall, to the extent permitted by federal law, have its cost of benefits charged against this reserve account until the account has been exhausted.

Existing law provides generally for the transfer of the reserve account of a predecessor employer to its successor but does not permit this transfer where the successor employer has elected to reimburse the Unemployment Fund for the cost of benefits.

This bill would, to the extent permitted by federal law, require this transfer where the successor employer is a nonprofit organization, and would require the cost of benefits of the successor employer to be charged against the reserve account until the account has been exhausted.

Under existing law, whenever an employing unit acquires an organization or an employer, an application may be made within 90 days of the acquisition for transfer of reserve accounts. Under certain conditions, these provisions apply to applications for transfer of reserve accounts made after the 90-day period but prior to the 3-year cancellation period of the reserve account pursuant to a specified statutory provision.

This bill would make these provisions, to the extent permitted by federal law, applica-

ble to a successor employer which is a nonprofit organization which has elected to reimburse the Unemployment Fund for the cost of benefits.

This bill would also require the Director of Employment Development to request a waiver from the Secretary of Labor to implement the provisions of this bill.

The bill would take effect immediately as an urgency statute.

Ch 856 (AB 2396) Rogers Pesticides: bees

(1) Under existing law, the Director of Food and Agriculture is required to adopt regulations to minimize the hazard to bees while still providing for the reasonable and necessary application of pesticides to blossoming plants when those pesticides are toxic to bees.

This bill would revise and recast the provisions relating to bees and pesticide applications and would specify that when a pesticide applicator has complied with regulations adopted by the director which require notification to apiary owners prior to a pesticide application, the applicator is not liable for injury to bees that enter the area treated during or after the application

(2) Under existing law, the provisions regulating the use of pesticides in and around bees and blossoming plants terminate on January 1, 1985

This bill would delete the January 1, 1985, termination date for these provisions

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would impose a state-mandated local program by continuing the existence of a crime.

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 857 (AB 2477) Robinson. Motor vehicles: speed limits study

Under existing law, driving a vehicle upon a highway faster than 55 miles per hour constitutes an infraction punishable by a fine of not more than \$50 for a first conviction, not more than \$100 for a second conviction within a year, and not more than \$250 for a third or subsequent conviction within a year

This bill would require the Department of Transportation and the California Highway Patrol to jointly study the national 55-mile-per-hour speed limit, in cooperation with the United States Department of Transportation, as specified, and to complete the study by January 1, 1986.

Ch 858 (AB 2539) Cortese Driver's license suspensions. failure to appear and violation of court order.

(1) Under existing law, the Department of Motor Vehicles is required to suspend the driver's license of any person for whom notice is received from a court that the person has for 15 days violated (a) a written promise to appear or a continuance thereof or (b) a specified court order to appear or pay a fine, if the department's records for the person contain notice of one or more previous such violations

This bill would, with respect to specified offenses, delete the requirement that the department have more than one such notice on file before suspending the driver's license of a person under the above provisions. The bill would, however, make this change applicable only to courts electing to provide a courtesy warning notice 10 days before notifying the department of the failure to appear. The bill would prohibit a court from issuing a bench warrant in these cases with respect to specified underlying infractions, unless the defendant's driving record shows the person has no California driver's license or has other failures to appear. The bill would also make technical and clarifying changes

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) The bill would also provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(4) The bill would become operative on July 1, 1985

Ch. 859 (AB 2544) Bader. Contracts for leasing and bailment

Under existing law, if a contract, other than one intended to create a security interest under the Commercial Code, for the leasing of livestock or other animate chattels or any agreement for the bailment or feeding of dairy cattle is not recorded by the county recorder of the county where the chattels are located at the time the contract is executed and also in the county where the lessee resides, unless the lessee is a nonresident within 10 days after execution, the title retention provisions are void for purchasers, creditors, and those persons acquiring a security interest in the property for value and without notice before recordation.

This bill would repeal that provision.

Ch. 860 (AB 2585) Bane Horseracing California Standardbred Sires Stakes Program.

(1) Under existing law, the California Horse Racing Board has responsibility for the California Standardbred Sires Stakes Program, but the administration of the program is mutually carried out by the harness horsemen's organization contracting for the racing meeting and the organization responsible for the registration of California-bred harness horses.

This bill would require the administration of the program to be carried out by the California Standardbred Sires Stakes Committee composed of 6 members and 2 alternates.

(2) Under existing law, funds for the California Standardbred Sires Stakes Program are deposited into a separate trust account in the State Treasury and continuously appropriated to the board

This bill would delete these provisions and require funds for the program to be deposited with and distributed by the committee

(3) Existing law requires the board to set the schedule of races that comprise the California Standardbred Sires Stakes Program in accordance with specified criteria

This bill would require the committee to determine the base purses for each set of races, as defined, and to determine base purses if elimination heats are raced.

Ch 861 (AB 2595) Stirling Vehicles traffic accident reports.

Existing law requires specified accident and supplemental reports to be made to the Department of the California Highway Patrol or city police concerning traffic accidents that result in personal injury or death. Under existing law, accidents that result in only property damage are not required to be reported to the department or city police

This bill would prohibit a peace officer from including in a counter report of a property-damage accident, as defined, which is written or recorded by, or with the assistance of, the peace officer, any determination by the officer of fault by the reporting person, unless that determination is the reported result of an examination of the physical evidence at the site of the accident by the peace officer or the result of an express, knowing admission of the reporting person

Ch. 862 (AB 2597) Moore Leasing of state equipment

Existing law provides that with the consent of the state agency concerned, the Director of General Services may lease for a period not to exceed 5 years any personal property which belongs to the state, the leasing of which is not expressly prohibited by law, if the director deems the leasing is in the best interest of the state.

This bill would make legislative declarations and would provide that notwithstanding the above existing statutory law that whenever a private, nonprofit organization has

acquired state-owned equipment for the purpose of helping disadvantaged youth learn the technical skills of video communications during a period when the organization is being funded, either partially or entirely, with state moneys, the private, nonprofit organization may lease the equipment, as specified. Any lease agreement made pursuant to this provision shall be subject to review by the Department of General Services every 5 years, at which time the department may terminate the lease, if it determines that the provisions are not being complied with.

This bill would take effect immediately as an urgency statute

Ch. 863 (AB 2633) Alatorre. School employees.

Existing law requires the personnel commission of each school district to classify all employees and positions within the jurisdiction of the governing board of the district or the commission, except for those exempted from the classified service. Existing law exempts from the classified service positions established for the employment of community representatives in advisory or consulting capacities for not more than 90 working days in a fiscal year, subject to specified requirements.

This bill would exempt the employment of community representatives in advisory or consulting capacities for not more than 90 days, or a total of 720 hours, in a fiscal year

Ch 864 (AB 2654) Leonard. Subdivisions unlawful parcels: notice to owner

(1) Existing law requires that a local agency, having knowledge that property has been divided in violation of the Subdivision Map Act, mail a specified notice to the owner of the property.

This bill would require that the notice contain additional explanatory information concerning the basis for the local agency's determination that the division of the property was not lawful. This additional requirement would impose a state-mandated local program

(2) Existing law specifies various conditions under which a local agency is required to issue a certificate of compliance to the owner of subdivided property, one of which is that the property has been approved for development

This bill would specify various actions which would be deemed to constitute approval for development for purposes of requiring a local agency to issue a certificate of compliance. By so doing, the bill would impose a state-mandated local program.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for specified reasons

Ch. 865 (AB 2674) Agnos. Registered nurses.

Existing law does not provide for a program for rehabilitation of registered nurses whose competency may be impaired due to abuse of alcohol and other drugs

This bill would authorize the Board of Registered Nursing to establish diversion evaluation committees to evaluate and accept or deny applicants who desire to participate in a diversion program.

The bill would appropriate \$95,000 from the Board of Registered Nursing Fund to the Board of Registered Nursing to carry out the act

Ch. 866 (AB 2692) Cortese. Local government: unclaimed money: property taxes-tax sales.

Under existing law, money not the property of a local agency that remains unclaimed in its treasury or in the official custody of its officers for 3 years becomes the property of the local agency after notice, if no verified complaint for its recovery is filed and served. It provides that after the expiration of 3 years, the treasurer of the local agency may cause a notice to be published once a week for 2 successive weeks in a newspaper of general circulation published in the local agency, stating the amount of money, the fund in which it is held, and that it will become the property of the local agency on a designated date after the first publication

This bill would prescribe an alternative procedure for a party of interest to file a claim for unclaimed money not the property of a local agency.

Under existing law, when tax-deeded property is redeemed, the tax collector is required to collect a fee of \$35 which is to be distributed to the county general fund to reimburse the county for specified costs, and a fee of \$6 which is to be distributed to the county recorder for recordation of the release of equity.

This bill would impose a state-mandated local program by requiring the tax collector to collect any rents due the Controller from the tax-deeded property together with any proceeds arising in any manner from that property.

Under existing law, with respect to a tax sale by the tax collector, if the high bid is in excess of a specified amount, the successful purchaser may elect to treat this sale as a credit transaction, making a specified deposit and paying the balance of the purchase price within a specified period after the auction. It further provides that any forfeiture of deposit shall be distributed as taxes.

This bill would instead provide that any forfeiture of deposit shall be distributed to the county general fund.

Under existing law, the minimum price at which tax-deeded property may be sold is an amount not less than 50% of the fair market value of that property.

This bill would instead provide that the minimum price at which property may first be offered for sale shall be an amount not less than 50% of the fair market value of the property, and in the event that no bid is received at the time the property is offered for sale at a tax sale, the tax collector may offer the property at a subsequent sale at an amount not less than 25% of the fair market value of that property.

Under existing law, at the expiration of one year following the execution of the tax deed to the purchaser, any excess proceeds not claimed by any party of interest, as defined, are to be distributed in a specified manner.

This bill would permit, prior to that distribution, the tax collector to deduct those costs of maintaining the redemption and tax-deeded property files which have not been recovered under any other provision of law.

Existing law provides for the 4-year installment payment of taxes, at the option of the assessee, for escape assessments which are based on (a) errors which were not those of the assessee, or (b) the correction of assessor errors, if the additional tax exceeds a specified amount and the assessee makes a written request, as specified, for installment payment.

This bill would require that current taxes and prior year taxes with penalties and costs thereon be paid with or prior to the initial installment, and all current taxes be paid prior to subsequent installments, as specified. It further would provide that if the property changes ownership, the balance of the tax remaining to be paid shall immediately become due and payable and no further installment payments shall be authorized.

Under existing law, before filing of the final map with the legislative body, the subdivider must file with the clerk of the county board of supervisors a certificate showing no delinquent or unpaid taxes or assessments, the amount of taxes and assessments not yet payable, and a bond or deposit for payment of the latter.

This bill would provide that the board of supervisors may, by resolution, authorize any county officer to perform the duties required of the clerk of the board of supervisors in the article containing those provisions.

Under existing law, after the approval by the city of a final map of a subdivision, the city clerk is required to transmit the map to the clerk of the county board of supervisors for ultimate transmittal to the county recorder.

This bill would provide, that the board of supervisors may, by resolution, authorize any county officer to perform the duties required of the clerk of the board of supervisors in the article containing those provisions.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 867 (AB 2712) Bates Minors.

Under existing law, a parent or guardian may be required to participate in a counseling program when a minor has been adjudged a ward of the juvenile court. When a child is adjudged a dependent child of the court, the court generally may direct reasonable orders to the parent or guardian, and in demonstration counties may order their participation in a counseling program.

This bill would authorize a juvenile court to direct reasonable orders to the foster parents of a minor who is the subject of specified proceedings pursuant to the juvenile court law. It also would provide that orders directed to the parent or guardian of a dependent child may include direction to participate in a counseling or education program, as specified, and would authorize the court to direct a foster parent to participate in such a program in cases in which the court deems participation is appropriate and in the child's best interests.

This bill would create a state-mandated local program to the extent that requiring parents and guardians to participate in counseling or treatment with a minor would require the county to pay for or provide that treatment.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill also makes additional changes proposed by AB 3039, to be operative only if AB 3039 and this bill are both chaptered and become effective on January 1, 1984, and this bill is chaptered after AB 3039.

Ch. 868 (AB 2724) Bane. Savings and loan associations: loans.

Existing law provides for the regulation of savings associations under the Savings Association Law.

This bill would make various changes including the following: (1) specify the conditions under which a special meeting of the stockholders of an association which converts from a mutual association to a stock association may be called for a period of up to 5 years from the date of conversion and provide that cumulative voting shall not be required for those associations during that 5-year period unless otherwise provided in the association's articles of incorporation; (2) revise provisions relating to the election and removal of directors of the above associations for that 5-year period, (3) delete the requirement that an account holder have an address within the United States or its territories; (4) regulate the making of loans or advances of credit, or investment in interests therein, on the security of real property, not otherwise authorized under law, as specified, (5) require associations to obtain approval of the commissioner and pay a filing fee in order to establish or maintain a subsidiary; (6) authorize an association to make specific overdraft loans, and (7) make various clarifying and technical changes, as specified.

Existing law authorizes a savings and loan association to make single-family dwelling loans on the security of building lots or sites for construction of the borrower's principal residence.

This bill would repeal that provision.

Existing law authorizes associations to additionally invest an amount not exceeding 5% of its assets in loans, advances of credit, and interests therein, secured by real property for primarily residential use or real property used or to be used for commercial farming.

This bill would repeal that provision.

Existing law authorizes an association to reorganize or to merge or consolidate with or transfer all or substantially all of its assets to another association or federal association.

This bill would additionally authorize an association to reorganize, merge, or consolidate with any other corporation.

Existing law prohibits an association from making any one loan in an amount exceeding \$500,000 principal if the loan exceeds 1% of the book value of the association's assets, unless consent is obtained from the Savings and Loan Commissioner.

This bill would instead provide that, unless otherwise authorized by the commissioner, an association shall not make any loan in an amount exceeding the net worth of the

association at the time the loan is made.

Existing law requires an association to at least annually have a certified public accountant audit its books and accounts.

This bill would require approval by the commissioner of the certified public accountant to perform those audits

Existing law, with respect to the deposit of funds by cities, counties, and other agencies, defines a depository as a state or national bank or state or federal savings and loan association, as specified

This bill would revise that definition to include state or federal savings banks.

Existing law provides that no investment in a real estate loan shall be made until an appraisal report is reviewed and approved.

This bill would, for the purpose of determining appraised value of unimproved property without offsite improvements, provide that the property shall be evaluated as though offsite improvements have been installed if a subdivision map has been recorded and a bond or other instrument has been accepted, as specified.

AB 2435 would authorize the commissioner to require financial statements or accounting items of an association to be prepared in a manner other than in conformity with generally accepted accounting principles, as specified. This bill would specify, contingent upon prior chaptering of AB 2435, that a report relating to those financial statements shall be available only for regulatory purposes.

The bill would also authorize an association to provide certain correspondent services, as specified.

This bill would incorporate additional changes in Section 7500 of the Financial Code, proposed by AB 2435, to be operative only if AB 2435 and this bill are both chaptered and become effective on or before January 1, 1985, and this bill is chaptered last

Ch. 869 (AB 2744) Margolin. Wages, hours, and working conditions.

Existing law provides that an employer who has had in operation an established preexisting workweek arrangement, as defined, may file a verified petition with the Industrial Welfare Commission for review and modification of an applicable order of the commission relating to daily overtime requirements.

This bill would require that the verified petition be filed prior to July 1, 1985, and would require the Industrial Welfare Commission to give notice in the commission's next regular mailing to persons and organizations on its mailing list of the deadline imposed by this bill for the filing of a verified petition.

Ch 870 (AB 2780) Clute. Nurses' registries.

Existing law provides for the licensing of persons who engage in the business of obtaining employment for nurses as private duty nurses pursuant to the Nurses' Registry Act.

This bill would repeal that act and would require those persons instead to be licensed as an employment agency by the Bureau of Employment Agencies and would provide for the licensing and regulation of those persons by the bureau.

The bill would transfer the money in the Nurses' Registry Fund to the Bureau of Employment Agencies Fund.

Ch 871 (AB 2788) Cortese. Mechanics' liens.

Existing law provides that no mechanics' lien binds any property for longer than 90 days after the lien is recorded, except where credit is given and notice of credit is recorded, unless within that 90-day period an action to foreclose the lien is commenced.

This bill would provide that failure to commence an action to foreclose the lien within the prescribed time limitations would cause the lien to be null and void and of no force and effect.

Ch. 872 (AB 2922) Bradley. Property taxation change in ownership.

Existing property tax law provides that the creation, renewal, sublease, or assignment of a taxable possessory interest in tax-exempt real property constitutes a change in ownership, thereby requiring the appraisal or reappraisal of that interest and the filing by the transferee of a change in ownership statement disclosing certain information to the assessor.

This bill would impose a state-mandated local program by requiring owners, including local agencies and school districts, of tax-exempt real property with respect to which a lease, sublease, license, use permit or other document conveying a right to use that property is created, renewed, subleased, or assigned to report to the assessor specified information relating to the transaction.

This bill would be applicable only in those counties which elect to be subject to the bill's provisions.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that certain local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

Ch. 873 (AB 2927) Robinson. Industrial loan companies

(1) Existing law authorizes an industrial loan company to purchase, hold, and convey real property for specified purposes.

This bill would authorize the Commissioner of Corporations to adopt rules and regulations regarding the sale of this real property, consistent with what constitutes sound business practices for industrial loan companies.

(2) Under existing law, an industrial loan company is prohibited, with certain exceptions, from making any loan or purchasing or discounting any note secured primarily by real property unless the loan or obligation is repayable in installments within a term not to exceed 8 years and 6 months from the date the loan or obligation is made or acquired by the company. These provisions would remain in effect until January 1, 1986, and on that date would be repealed.

This bill would revise these provisions to provide that these loans or obligations be repayable in installments within a term not to exceed 10 years. The bill would also delete the repeal of these provisions.

(3) Existing law provides with regard to an industrial loan company that any consumer loan or any purchase or any discount of any consumer obligation having a term in excess of 3 years from the date the loan or other obligation is made or acquired by an industrial loan company shall be secured solely by real or personal property and shall be repayable in installments and within a term not to exceed 8 years and 6 months with specified exceptions. These provisions would remain in effect until January 1, 1986, and on that date would be repealed.

This bill would specify, instead, that these loans or obligations shall be repayable in installments within a term not to exceed 10 years, except that consumer loans or obligations secured solely by personal property shall have a term not to exceed the terms specified for loans whose terms are set by law depending on the size of the loan, for unsecured consumer loans which are repayable by a single payment; for consumer loans payable at any time during the loan; or for insured loans, as specified. The bill would also delete the repeal of these provisions.

(4) Existing law provides that an industrial loan company may make loans and acquire or discount obligations having a term in excess of 3 years secured primarily by real property, as specified, provided that all of these loans and obligations do not exceed, in the aggregate, 20% of the industrial loan company's total outstanding loans and obligations. These provisions would remain in effect until January 1, 1986, and on that date would be repealed.

This bill would revise the limitation on the aggregate amount of these types of loans or obligations to 35% of the industrial loan company's total outstanding loans and obligations. The bill would also delete the repeal of these provisions.

This bill would repeal, prior to its operative date of January 1, 1986, a provision which would prohibit industrial loan companies from making loans or purchasing or discounting any note secured by real property unless it is repayable in substantially equal periodic payments during the term which may not exceed 2 years from the date the loan or obligation is made or acquired by the company.

(5) Existing law requires an industrial loan company to diversify the loans and lease obligations it makes and other obligations it acquires, both as to the types of debtors and obligors and types of collateral. An industrial loan company is permitted, however, to specialize in its lending, leasing, and authorized practices. The Commissioner of Corporations is required to promulgate rules and regulations pursuant to these provisions.

This bill would also require diversification of these loan and lease obligations with respect to terms and types of repayment schedules. In addition, the commissioner would be permitted rather than required to promulgate rules and regulations pursuant to these provisions.

Ch 874 (AB 2954) Stirling Records altered copies

Existing law does not make unlawful the act of altering a certified copy of an official record, or knowingly furnishing an altered certified copy of an official record, of this state.

This bill would make that act a misdemeanor.

The bill would mandate a new program or higher level of service on local government by creating a new crime.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

The bill would take effect immediately as an urgency statute.

Ch. 875 (AB 2969) Connelly. Conduct of elections

(1) Existing law authorizes the county central committees of each qualified political party to, not less than 60 days prior to an election, supply the county clerk with party contribution envelopes, or a one-page letter, as specified, to be included in the clerk's mailing of the sample ballot to voters affiliated with the political party at an election.

This bill would limit the above mailings to direct primary elections. It would also require a central committee to supply the party contribution envelopes or the one-page letters to the clerk not less than 83 days before the direct primary election if the central committee elects to have the letter printed by the clerk.

(2) Under the Uniform District Election Law, if nomination papers for an incumbent elective officer of a district are not filed by 5 p.m. on the 88th day before the general district election, any person other than the incumbent shall have an additional 5 days to file nomination papers for the elective office.

This bill would apply the above provision to any incumbent officer, rather than the incumbent elective officer.

(3) Existing law prohibits a polling place from being established where alcoholic beverages are sold or dispensed.

This bill would specify that the above prohibition applies if the place is one where the primary purpose of the establishment is the sale and dispensation of alcoholic beverages.

(4) Under existing law, it is a misdemeanor for a circulator of an initiative, referendum, or recall petition to permit the list of signatures on the petition to be used for any purpose other than qualification of the measure or question for the ballot.

This bill would provide that no one shall knowingly and willfully allow the list of signatures on the petition to be used for any purpose other than the qualification of the measure or question, except as may be allowed under the law.

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 876 (AB 2984) McAlister. Insurance- Annuity agreements

Existing law provides that certain organizations and persons may receive transfers of property conditioned upon their agreement to pay an annuity, after obtaining a certificate of authority from the Insurance Commissioner. Each organization or person is required to file a copy of each agreement with the commissioner.

This bill would require the payment of a basic fee, to be established by the commissioner, for the filing of each agreement. Since that fee would be deposited in the Insurance Fund, which is appropriated to pay refunds and to be used for the support of the Department of Insurance as authorized by the Budget Act, the bill would result in an appropriation.

Ch 877 (AB 2988) Wyman Pesticides residential use

Under existing law, the Director of Food and Agriculture is generally responsible for governing the use of pesticides in this state.

This bill would require the director, with existing resources, to ascertain and identify current procedures and requirements for the disposal of surplus pesticides and pesticide containers by agricultural, institutional, industrial, and other pesticide users, and develop and recommend a procedure, consistent with the Federal Insecticide, Fungicide, and Rodenticide Act, for the disposal of surplus pesticides and emptied pesticide containers designed for residential use that are in the possession of the resident. The bill would require the director to report to the Legislature, on or before January 1, 1986, on all of these matters.

Ch. 878 (AB 3101) Connelly California Exposition and State Fair.

Existing law does not specify whether or not the California Exposition and State Fair is subject to local noise ordinances.

This bill would subject all activities conducted at the California Exposition and State Fair to the City of Sacramento noise ordinance that was in effect on December 1, 1983.

Ch. 879 (AB 3105) Stirling School lands, lieu lands, and indemnity lands, revenues.

(1) Under existing law, the State Lands Commission manages and controls various lands known as school lands and lieu lands received by the state from the United States for the support of schools. Existing law requires that, beginning on July 1, 1984, all net revenues, moneys, and remittances from the sale or use of those lands be deposited in the Teachers' Retirement Fund.

This bill would, instead, require that all net revenues, moneys, and remittances from the sale of school and lieu lands be deposited in the School Land Bank Fund and would exclude from the requirement that all net revenues, moneys, and remittances from the use of those lands be deposited in the Teachers' Retirement Fund those revenues received by the state from indemnity lands received from the United States after July 1, 1980, and leased for geothermal development.

(2) The bill would also enact the School Land Bank Act, create the School Land Bank Fund, and would continuously appropriate moneys in the fund to the State Lands Commission, acting as School Land Bank Trustee, to acquire real property or any interest in real property for the purposes of facilitating management of school lands for generating revenues. The bill would prescribe the method of acquisition of property by the trustee, and specify related powers and duties.

The bill would make legislative findings and declarations, including that it is the policy of the state to fully develop school lands into a permanent and productive resource base.

Ch 880 (AB 3142) Tucker Vocational nursing.

(1) Existing law authorizes a vocational nurse to renew his or her license within 4 years after its expiration without meeting any specified requirements other than paying fees. After 4 years, various conditions are required to be satisfied, including the taking and passing of an examination, except that no examination is required if the expired license was issued without an examination. In addition, the Board of Vocational Nurse and Psychiatric Technician Examiners is authorized to waive the examination under specified conditions.

This bill would delete the provisions which make an exemption from the examination requirement for licensees having an expired license which was issued without an examination.

(2) Existing law establishes the fees for the issuance of a vocational nursing license.

The fee for any examination after the first is currently \$35

This bill would require that the fee for any examination after the first be fixed by the board at not more than \$35.

Ch. 881 (AB 3180) Baker. Traffic citations: vehicle registration.

Existing law makes it unlawful for a vehicle owner or other person employing or otherwise directing the driver to cause or permit the vehicle to be operated contrary to law, as specified.

This bill would authorize the courts to transmit a notice of noncompliance to the Department of Motor Vehicles whenever any person is issued a specified notice and fails to appear within 15 days under the above provisions, if no arrest warrant is outstanding. Upon receipt of the notice of noncompliance, the department would be required to refuse registration renewal for the cited vehicle until the court provides notice that the cited person forfeited bail or the matter was otherwise adjudicated or until 2 registration periods have passed or the vehicle's registration has been transferred

The bill would authorize the department to impose specified administrative fees upon vehicle registrants to defray its costs under the bill.

The bill would become operative on July 1, 1985

Ch. 882 (AB 3295) O'Connell. City recall elections.

Existing law provides a procedure for the conduct of a city recall election, including submitting a question to the voters asking them that if the recall prevails shall the vacancy or vacancies be filled by appointment or at a special election

This bill, as a state-mandated local program, would require that, regardless of the result of the vote on the above-stated question, a special election shall be held if a majority of the legislative body is recalled. It would require a notice to be mailed to each voter informing the voter of this requirement.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

Ch. 883 (AB 3403) Felando. Sardines

(1) Under existing law, sardines may not be taken or possessed on any boat, barge, or vessel, except as specifically authorized. Loads or lots of fish may contain a variable percentage [.]* based on a specified formula by [.]* weight of sardines, incidentally taken and which are mixed with the other fish in the load or lot with variations in this percentage, until July 1, 1985, based on the mackerel fishery as an indicator.

Existing law additionally permits, until January 1, 1985, up to 250 tons of these incidentally taken sardines to be possessed and used for any purpose. If 250 tons of these sardines are taken and landed in any calendar year, any additional sardines ~~could~~ [may]* be taken and possessed for canning, reduction, or live bait purposes only. Existing law also requires the Department of Fish and Game to report to the Legislature on the effect of this provision and whether it ought to be extended

This bill would require the department's report to be submitted by January 1, 1986, and extends the termination dates of the exceptions to the prohibition on taking or possessing sardines to July 1, 1986.

The bill would also, in addition to that incidental take, authorize the taking of 75 tons of sardines for live bait purposes [until July 1, 1986,]* and would prohibit the taking of sardines for live bait purposes except under a permit issued by the department. A violation of the permit requirement would be a crime, thus imposing a state-mandated

local program.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(3) The bill would take effect immediately as an urgency statute

Ch 884 (AB 3417) Bradley Local agencies: revenues and expenditures

(1) Existing law does not authorize a county board of supervisors to appropriate during the fiscal year, fund balances carried over from the previous fiscal year which are in excess of the estimated and budgeted amounts

This bill would authorize the board of supervisors to appropriate those excess funds by a $\frac{2}{3}$ vote of the board, at any regular meeting or at a noticed special meeting

(2) Existing law requires the governing board of a sanitary district to "immediately" certify to the county auditor the tax rate of the district "when so determined" by the sanitary district governing board.

This bill would, instead, require such certification to be made to the county auditor by September 1st of each year. The bill would thereby impose a state-mandated local program.

(3) Existing law establishes the 3rd Monday in August as the deadline by which a county board of supervisors or the governing board of a mosquito abatement district must adopt ordinances establishing a standby charge for mosquito abatement and submit specified related reports.

This bill would change that deadline to August 10th of each year, and in so doing would impose a state-mandated local program

(4) Existing law authorizes the county auditor to impound taxes which have been paid under protest.

This bill would, instead, authorize the auditor to impound tax revenues whenever the auditor reasonably anticipates that the tax may be refunded

(5) Under existing law, prior to adoption of the final budget for a county, expenditures may be made for the construction, improvement, or maintenance of real property from unencumbered funds budgeted for those purposes in the prior fiscal year.

This bill would, instead, deem those budgeted but unencumbered funds to be appropriated for the same purposes.

(6) Existing law directs the Controller to prescribe uniform accounting procedures for counties and to publish the adopted procedures in the California Administrative Code.

This bill would require the adopted uniform accounting procedures for counties to conform to generally accepted accounting practices, and would permit publication of the adopted procedures either in their entirety or by reference

(7) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(8) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 885 (AB 3800) Cortese Public contracts.

Existing law requires that payment on any contract with a local agency for work on a public structure, building, road, or other public improvement costing more than \$5,000

shall be made as prescribed by the legislative body, but progress payments shall not exceed 95% of the work completed plus material delivered. If, however, after 50% of the work is completed, the legislative body finds that satisfactory progress is being made, it may make any of the remaining progress payments in full for actual work completed.

Existing provisions of the Local Agency Public Construction Act govern various aspects of contracts awarded by specified local agencies such as school districts, counties, cities, port districts, public utility districts, and transit districts, among others.

This bill would repeal the provisions relating to payments and progress payments on local agency public improvement contracts, and would add identical provisions to the Local Agency Public Construction Act.

Ch. 886 (AB 4042) Bane. Horseracing: racing weeks.

Existing law requires each racing week to have a minimum of 5 racing days, except the California Horse Racing Board is authorized, until January 1, 1986, to allocate racing weeks of less than 5 racing days to lessees of the California Exposition and State Fair and to specified persons conducting mixed-breed meetings at the California Exposition and State Fair or at a district agricultural association in the northern zone.

This bill would instead authorize the board to allocate racing weeks of 4 or more days to an association conducting those mixed-breed meetings at the California Exposition and State Fair or at a district agricultural association in the northern zone under the above provisions.

The bill would take effect immediately as an urgency statute.

Ch. 887 (AB 4051) Rogers. Vehicles: safety warning lights

Existing law specifies the emergency, maintenance, and other vehicles which may display flashing amber warning lights to the front, sides, or rear of the vehicle and the circumstances of their permitted use.

This bill would permit a hazardous substance spill response vehicle under contract to the Department of Transportation to display flashing amber warning lights while engaged in a spill cleanup, and would require that the warning lights be removed or covered at all other times.

The bill would take effect immediately as an urgency statute.

Ch. 888 (SB 392) Dills. Building standards.

Under existing law, certain hot water heaters on and after January 1, 1985, will be required to have a timer with an off-on switch. Existing law also authorizes any city or county to require that new buildings be constructed in a manner which will permit the installation of solar heating or nocturnal cooling devices.

This bill would repeal the above provisions

Ch. 889 (SB 1430) Petris. Nutrition education: physicians and surgeons, and teachers.

Existing law provides that all applicants for a physician's and surgeon's certificate shall show that they have received adequate instruction in, among other subjects, preventative medicine, including nutrition. Existing law exempts from the nutrition education requirement those applicants from medical schools located outside California.

This bill would repeal the exemption from the nutrition education requirement currently provided to applicants from medical schools located outside California.

Existing law declares that it is the intent of the Legislature that the Division of Licensing of the Board of Medical Quality Assurance strongly urge those organizations responsible for the development of physician licensing examinations to include within those examinations an increased emphasis on human nutrition.

This bill would repeal this provision and instead require the Division of Licensing to insure that nutrition is included on the examination for a certificate as a physician and surgeon.

Existing law requires the Division of Licensing, in determining its continuing education requirements, to consider including a course in nutrition to be taken by those licensees whose practices may require knowledge in nutrition.

This bill would require the Division of Licensing to, in addition, encourage every physician and surgeon to take nutrition as part of his or her continuing education,

particularly a physician and surgeon involved in primary care.

Existing law provides that the minimum requirements for a teaching credential include, among other things, the satisfactory completion of a unit requirement in health education, as defined.

This bill would provide that the minimum requirements for any teaching credential issued after January 1, 1986, shall include nutrition within the existing health education requirement as prescribed by the Commission on Teacher Credentialing

Ch. 890 (SB 1514) Dills Loans.

Existing law requires a "consumer credit contract" to provide specified notice as to liability on the contract. "Consumer credit contract" is defined as including, among others, a loan or extension of credit for use primarily for personal, family, or household purposes where the loan or extension of credit is subject to regulation under specified provisions of law

This bill would additionally include as a "consumer credit contract," which is required to provide specified notice as to liability on the contract, a loan or extension of credit for use primarily for personal, family, or household purposes where the loan or extension of credit is subject to regulation under the Consumer Finance Lenders Law.

Existing law relating to the maximum charge that may be imposed on a late installment payment due on a loan secured by a mortgage or deed of trust on real property containing only a single-family, owner-occupied dwelling, does not apply to loans made by specified persons

This bill would include among the loans not subject to this maximum late charge requirement loans made by a consumer finance lender subject to the Consumer Finance Lenders Law and loans made by a commercial finance lender subject to the Commercial Finance Lenders Law

Existing law provides that before a default, delinquency, or late payment charge may be assessed by any lender on a delinquent payment of a loan secured by real property, and before the borrower becomes obligated to pay such a charge the borrower shall either be notified in writing and given at least 10 days from the mailing of the notice to cure the delinquency or be informed by a billing or notice sent for each payment of the date after which the charge will be assessed.

This bill would exempt from the above notice requirement loans made pursuant to the Personal Property Brokers Law, the Consumer Finance Lenders Law, and the Commercial Finance Lenders Law

Existing law permits an industrial loan company and a consumer finance lender to contract for and receive an acquisition fee in connection with making a loan of a principal amount of not more than \$2,500. Existing law further provides that only one acquisition fee may be contracted for and received until the loan has been repaid in full and no acquisition fee may be assessed in connection with refinancing a loan. These provisions, as to industrial loan companies, would be repealed on January 1, 1985. No repealer is in effect for consumer finance lenders

This bill would (1) refer to this fee as an administrative fee rather than an acquisition fee, (2) delete the provision that only one such fee may be contracted for or received until the loan is repaid in full, (3) provide that no administrative fee may be assessed in connection with refinancing unless at least one year has elapsed since receipt of a previous administrative fee paid by the borrower, (4) would delete the scheduled repeal of these provisions for industrial loan companies, and (5) as to consumer finance lenders the bill would retain the requirement that only one administrative fee may be contracted for or received until the loan has been repaid in full.

Existing law contained in the Personal Property Brokers Law and the Consumer Finance Lenders Law provides for, among other things, the maximum charges which may be assessed for a loan regulated by these provisions, various loan requirements, and conditions for licensure of personal property brokers and consumer finance lenders. Existing law also provides a similar licensure and regulatory scheme for commercial finance lenders under the Commercial Finance Lenders Law

This bill, among other things, would do the following (1) revise the definition of "charges" for the purposes of the Personal Property Brokers Law and the Consumer Finance Lenders Law to exclude amounts paid to holders of possessory liens and amounts received by a licensee from a seller for the privilege of allowing the seller to

participate in the licensee's open end credit program, as specified, and further revise the definition of "charges" for the purposes of the Personal Property Brokers Law to exclude fees paid to a licensee for a charge or credit card which entitles the cardholder to participate in an open end credit program; and (2) revise loan regulations under the Personal Property Brokers Law and the Consumer Finance Lenders Law, as specified.

Existing law generally provides that all charges on loans made under the Personal Property Brokers Law or the Consumer Finance Lenders Law shall be computed and paid only as a percentage per month of the unpaid principal balance or portions thereof.

This bill would exempt from this computational requirement any loan of a bona fide principal amount of \$5,000 or more, or any duly licensed personal property broker or consumer finance lender in connection with that loan, if the exemption is not used for the purpose of evading the Personal Property Brokers Law or the Consumer Finance Lenders Law.

Existing law sets forth the maximum charges a personal property broker may contract for and receive on a loan. Existing law also sets forth alternative charges which may be contracted for and received.

This bill would authorize, as another alternative charge which may be contracted for and received by personal property brokers on loans made by them, charges at a rate not exceeding $\frac{1}{12}$ of 1% per month plus a percentage per month equal to $\frac{1}{12}$ of the annual rate prevailing on the 25th day of the second month of the quarter preceding the quarter in which the loan is made. The bill would also authorize a personal property broker to contract for and receive, in addition to the aforementioned charges, an administrative fee with respect to a loan of a principal amount of not more than \$2,500 at a rate not in excess of 5% of the principal amount or \$50, whichever is lesser. The fee would not be required to be computed and paid only as a percentage per month of the unpaid principal balance or portions thereof. Only one administrative fee could be contracted for or received until the loan has been repaid in full.

Existing law under the Personal Property Brokers Law and Consumer Finance Lenders Law relating to open end loans specifies how the minimum monthly payment shall be determined.

This bill would revise those provisions to provide new methods of calculation, as specified.

Existing law provides that the Consumer Finance Lenders Law does not apply to, among others, any loans made or arranged by any person licensed as a real estate broker by the State of California and secured by liens on real property, or to any real estate broker.

This bill would clarify that the Consumer Finance Lenders Law does not apply to any real estate broker when making loans secured by liens on real property.

The bill would also revise the definition of "commercial loan" for the purposes of the Personal Property Brokers Law and the Commercial Finance Lenders Law.

The bill would also define "open end credit program" for the purposes of the Commercial Finance Lenders Law.

Ch. 891 (SB 1664) Marks. County service areas: roads.

(1) Existing law does not expressly include road maintenance as a service which may be provided by a county service area.

This bill would codify a judicial decision holding that road improvement and maintenance are within the purview of the existing county service area law by expressly including "road maintenance" as defined, as a service which may be provided by a county service area.

(2) In addition to the services which a county service area is authorized to provide generally, various special acts, applicable to specified counties, authorize county service areas in those counties to provide additional specified services.

This bill would authorize a county service area in Lassen County, in addition to its general powers, to purchase electrical energy generated within the county and to enter into contracts for the sale of such energy at wholesale rates to any public agency or public utility engaged in the sale or use of electrical energy.

Ch. 892 (AB 2290) McAlister. Civil law.

In 1983, the Legislature enacted a comprehensive law (Ch 842) relating to wills and intestate succession, to become operative January 1, 1985. This bill would make the following changes in that law:

(1) Interested witnesses. Chapter 842 would not disqualify an interested witness from taking under a will, but would create a presumption that a devise to an interested witness was procured by duress, menace, fraud, or undue influence, and would place on the witness the burden of proof to rebut this presumption in order to take under the will.

This bill would provide that the presumption does not apply if there are two other subscribing witnesses to the will who are disinterested witnesses. This bill also would provide that if a devise to an interested witness fails because the presumption is not rebutted, the interested witness takes the proportion of the devise which does not exceed the intestate share of the witness if the will were not established.

(1.5) Husband and wife: contracts with each other; and surviving spouse's waiver of rights. Existing law provides that a husband or wife may enter into any engagement or transaction with the other, or with any other person, which either might if unmarried, subject to certain rules relating to trusts which control the actions of persons occupying confidential relations with each other.

This bill would exempt from those rules transactions between a husband and wife which comply with certain provisions regarding a waiver by a surviving spouse of specified rights.

This bill also would make certain revisions in the provisions regarding a surviving spouse's waiver of rights and would provide that those provisions do not affect the validity or effect of any premarital property agreement insofar as the agreement affects certain rights which are waivable.

(2) Challenge of gift to witness. Chapter 842 provides that a beneficiary under the will may contest a gift to a subscribing witness without forfeiting any benefits under the will pursuant to a no-contest clause in the will, if the witness is needed to establish the validity of the will.

This bill would delete the phrase that limits application of that provision to cases where the interested witness is needed to establish the validity of the will.

(3) Distribution per stirpes or by representation. Under Chapter 842, when property is distributed per stirpes or by representation (intestate succession and when a will provides therefor), the property is divided into as many equal shares as there are living members of the nearest generation of issue then living and deceased members of that generation who leave issue then living. Each living member of the nearest generation of issue then living receives one share. The share of each deceased member of that generation who leaves issue then living is divided in the same manner among his or her then living issue.

This bill would apply that rule in case of intestate succession or if a will provides for issue or descendants to take without specifying the manner and there is no contrary intention expressed; and would apply the same rule in the same circumstances to trusts.

(4) Amendment of pour-over trust after testator's death. If a will leaves property to a trust that was in existence during the testator's lifetime, but fails to provide that the testamentary assets shall be administered according to the terms of the trust as it may be amended after the testator's death, then postdeath amendments to the trust are ineffective as to the testamentary assets.

This bill would permit the testamentary assets to be subject to postdeath amendments of the trust, the same as the inter vivos assets, unless the will provides otherwise.

(5) Abatement after payment of share of omitted spouse or children. If the testator's will omits to provide for the testator's spouse or children and it does not appear from the will that the omission was intentional, the omitted spouse or children may elect to take a statutory share of the testator's estate. The statutory share is taken first from that portion of the estate, if any, not disposed of by the decedent's will. If that is not sufficient, the share is taken from residuary beneficiaries under the will. When the residuary estate is exhausted, the share is taken from all other devisees in proportion to the value of each devisee's share.

This bill would revise that rule to provide for proportional contribution from all takers under the will.

(6) **Simultaneous death: life or accident insurance policies** Under existing law, if both the insured and a beneficiary under a policy of life or accident insurance are married to each other and both die, and it cannot be established by clear and convincing evidence that the beneficiary survived the insured, the proceeds of the policy will be dealt with as if the insured survived the beneficiary.

This bill would create an exception to the above rule by providing that if the policy is community or quasi-community property and there is no alternative beneficiary except the estate or personal representatives of the insured, the proceeds will be distributed as community property.

(7) **Construction of wills: future interest devisees.** Existing law provides that a devisee who fails to survive the testator, or until any future time required by the will, does not take under the will; and provides that unless a contrary intention is indicated by a will, a devisee of a future interest is required by the will to survive to the time when the devise is to take effect in enjoyment.

This bill would delete the latter provision.

(8) This bill would make numerous other related technical, or clarifying revisions, including revising the manner in which a parent and child relationship is established for the purpose of intestate succession.

(9) This bill also would add an additional section to a part relating to the establishment of death that would be added to the Probate Code by AB 2255, contingent upon the enactment of that bill, in which event a section that would be added by this bill to provisions that would be repealed by AB 2255 will not become operative.

Under existing law, the interest of a trust beneficiary who also is a judgment debtor is subject to enforcement of a money judgment only upon petition of the judgment creditor to the probate court for an order that payments from the trust be applied to the satisfaction of the judgment by such means as the court determines are proper. If the trust is a spendthrift, only surplus income over an amount necessary for the education and support of the beneficiary is subject to the creditor's claim.

This bill would provide that a court may make an order, upon petition of the judgment creditor, that the trustee withhold and pay to the judgment creditor all or a portion of the amount that otherwise would be paid periodically to the judgment debtor from the trust. In the case of periodic payments from a spendthrift or support trust, the order may not reach any exempt portion paid periodically to the judgment debtor. The order would continue in effect until the judgment of the judgment creditor is satisfied, modified, or terminated. The bill would also provide that the provisions of any such order shall not become effective until 30 days after the order has been served upon the trustee, as specified. The trustee would not be liable for any action taken, or omitted to be taken, in compliance with any such court order. These provisions would become operative only if AB 2282 is enacted in which case those provisions would apply to all trusts, whether created before or after January 1, 1985.

Ch. 893 (AB 2445) Farr. Statewide coordination of family mediation and conciliation services

Existing provisions of the California Constitution and statutes establish the Judicial Council, composed as specified. The Judicial Council is charged with improving the administration of justice by surveying judicial business, making recommendations to the courts, the Governor, and the Legislature; adopting rules for court administration, practice, and procedure; and performing other functions as prescribed by statute.

This bill, operative January 1, 1985, would require the Judicial Council to assist counties in implementing specified mandatory family law mediation procedures, establish and implement a uniform statistical reporting system relating to family law matters, administer a program of grants for research, study, and demonstration projects in the area of family law; and administer a program for the training of court personnel involved in family law proceedings, as specified.

It would increase the fee authorized by existing law to be charged to other than public agency applicants for a certified copy of a marriage or marriage dissolution record from \$3 to \$6, \$3 of which would be required to be paid to the General Fund to be used for the support of the programs specified above, thus establishing a state-mandated local program. The increase in the fee would constitute a new tax within the meaning of Section 3 of Article XIII A of the California Constitution.

The bill also would appropriate \$100,000 from those revenues deposited in the General Fund for the purposes of the act to the Judicial Council for the purposes of the act.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

It also would take effect immediately as an urgency statute.

Ch. 894 (AB 2475) Konnyu. Schools: legal services.

(1) Existing law authorizes school districts to submit deferred maintenance plans to the State Allocation Board for approval, as prescribed.

This bill would require the State Allocation Board to apportion from the State School Deferred Maintenance Fund the sum of \$313,653 to the Moreland School District for projects in the district's approved deferred maintenance plan.

(2) Existing law authorizes the governing board of any school district to contract for the services of an attorney in private practice, as defined, as an employee or independent contractor, or to utilize an administrative adviser for whatever purposes the governing board deems appropriate, and specifies that the compensation of an attorney pursuant to a contract shall be a proper use of school district funds. Existing law authorizes the governing board of any school district to contract with a qualified attorney in private practice to provide legal services and specifies that the compensation of an attorney under these provisions shall be a proper use of school district funds. Existing law requires the governing board of each school district, prior to contracting for the services of an attorney as an employee or independent contractor, or for the provision of legal services, to first obtain the written views of the district attorney or county counsel, to be furnished within 7 days from the time of the request by the governing board, as to the merits of any litigation, the need for legal services, or the form of the proposed contract. Existing law specifies that these written views are not binding upon the governing board, but are advisory only.

This bill would specify that the views of the district attorney or county counsel shall not be required under existing law where the district attorney or county counsel represents the opposing party in any action for which an attorney in private practice has been contracted.

(3) Existing law prescribes the method under which payments to companies providing tax-sheltered annuities for employees of school districts, community college districts, and offices of county superintendents of schools may be provided. Existing law requires the county superintendent of schools, upon receiving allowed warrants for these payments from the county auditor, as prescribed, to transmit them to designated banks, and specifies that these disbursing banks shall disburse these payments within a reasonable time, not to exceed 10 working days.

This bill would require these disbursing banks to make these payments not later than 5 working days after receipt.

(4) Existing law authorizes the issuance of new school warrants to replace void school warrants if the void warrant is presented to the governing board of a school district within a two-year period, as specified.

This bill would authorize the governing board to specify, by resolution, a different time period for the presentation of the void warrants.

Ch. 895 (AB 2566) Areias. County fiscal matters.

(1) Existing law permits provision to be made for equipment replacement reserves within a county budget, requires that the amount of the reserve be identified with specific pieces of equipment; and prohibits an accumulated reserve from exceeding the estimated replacement cost of the item of equipment.

This bill would, instead, permit equipment replacement reserves to be established for specific classes of fixed assets, and would prohibit accumulation in the reserve fund of more than the replacement cost of the items of fixed assets for which the reserve has been established. The bill would delete a requirement that equipment replacement reserves be within an "operating fund" of the budget.

(2) Under existing law, the chief fiscal officer of the county acts as the fiscal officer

of the county library and library districts within the county.

This bill would designate the chief librarian of the library district as the fiscal officer for any independent library district not under the jurisdiction of the county board of supervisors.

By transferring responsibilities from one local public entity to another local public entity, the bill would impose a state-mandated local program

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(4) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 896 (AB 2578) Roos. Subdivisions: in-lieu fees for parks.

Existing law authorizes the legislative body of a city or county, by ordinance, to require dedication of land, or payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a final subdivision or parcel map provided certain general conditions exist. Existing law, by a provision which will be repealed January 1, 1985, also authorizes any city, county, or city and county to use the interest earned on the accumulated in-lieu fees for the maintenance of any existing park or recreational facilities within the city, county, or city and county

This bill would extend the authority of a city, county, or city and county to use the interest earned on the accumulated in-lieu fees, as specified, until January 1, 1987.

Ch. 897 (AB 2960) Frazee. Parking violations: statute of limitations.

Existing law, with certain exceptions, imposes a one-year limitation on commencing criminal actions for misdemeanors and infractions.

This bill would toll the limitation period for specified violations relating to parking or standing of vehicles after the court has forwarded a notice of noncompliance to the Department of Motor Vehicles until the notice is returned to the court.

Ch. 898 (AB 3250) McAlister. State officers. residence.

Existing law requires various state officers, including the Governor, the Secretary of State, the Controller, the Treasurer, and the Attorney General, among others, to reside and keep their offices in the City of Sacramento

This bill would delete the requirement that these officers reside in the City of Sacramento.

Ch. 899 (AB 3343) Katz. Unclaimed property: escheat.

Under existing law, certain unclaimed personal property, including money, in the possession of a holder, as defined, escheats to the state if certain conditions are met. Existing law also exempts designated property from these escheat provisions, including employee benefit plan distributions, as defined, which meet certain conditions including a condition that the plan contain a provision for forfeiture or expressly authorizes the administrator to declare a forfeiture as to a beneficiary who cannot be found

This bill would revise the definition of employee benefit plan distribution to include residuals, as defined, received for distribution on behalf of employees working under collective-bargaining agreements by a business association functioning as or in conjunction with a labor union, thereby exempting those funds from the escheat provisions. This bill also would provide that a participant entitled to an employee benefit plan distribution in the form of residuals is relieved from a forfeiture upon the making of a claim therefor

Ch. 900 (AB 3352) Katz. Pharmacy.

Existing law does not specifically provide for identification and rehabilitation of pharmacists impaired by abuse of dangerous drugs or alcohol, or by mental or physical illness.

This bill would state that the intent of the Legislature is that the California State Board of Pharmacy seek ways and means to identify and rehabilitate pharmacists with impairment due to abuse of dangerous drugs or alcohol, affecting competency so that pharmacists so afflicted may be treated and returned to the practice of pharmacy.

The bill would require the board to contract with one or more employee assistance programs to administer the Impaired Pharmacists Program and would specify the duties and responsibilities of the program.

The bill would require the board to contract with a pharmacists' professional association, as specified, to coordinate participation in the program, to recruit volunteers to assist in the program, to promote the program, and to maintain a 24-hour "hotline" telephone service.

The bill would authorize the board to establish criteria for the participation of pharmacists in the diversion program.

The bill would provide that the program is to be operative until January 1, 1988, and on that date the provisions of this act are repealed.

The bill would require the board to prepare a report of the program and submit the report to the Legislature on or before March 31, 1987.

The bill would appropriate \$25,000 from the Pharmacy Board Contingent Fund to the California State Board of Pharmacy to carry out the purposes of the act.

Ch. 901 (AB 3436) Wright. Weapons: seizure of firearms.

Existing law regulates the possession and use of various weapons, including firearms, and provides for the seizure and destruction of weapons in certain circumstances as nuisances.

This bill would provide that a sheriff or police officer may, at the scene of an incident of domestic violence, as defined, involving a threat to human life or a physical assault, temporarily take custody of any firearm, as defined, in plain sight or discovered pursuant to a consensual search and give the owner or possessor a receipt therefor. A firearm so taken could not be released for at least 48 hours but would be required to be released within 72 hours, unless related to criminal charges as provided. The bill would also provide for the return of stolen firearms to their owners and sale and destruction of firearms so taken in specified circumstances.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by imposing new duties on local officials with respect to the seizure of weapons in domestic violence cases.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

Ch. 902 (AB 3449) Goggin. State Air Resources Board: biennial report.

Existing law requires the State Air Resources Board to submit an annual report to the Governor and the Legislature by January 10 of each year which summarizes the state board's activities during the previous year and the state board's recommendations concerning legislation and other actions needed.

This bill would instead require, commencing January 1, 1985, a biennial report of the state board to include other specified information. It would require the reports on acid deposition to be included in the biennial reports.

Ch. 903 (AB 3469) N. Waters. Park and recreation facilities: local assistance projects.

The Budget Act of 1981 appropriates \$69,345 from the Parklands Fund of 1980 to the Department of Parks and Recreation for a local assistance grant to the County of El Dorado for Shingle Springs Plaza Park.

This bill would amend and supplement the Budget Act of 1984 to revert the unencum-

bered amount of that appropriation and to appropriate \$20,000 from the Parklands Fund of 1980 to the department for a local assistance grant to the county for county parks.

The bill would take effect immediately as an urgency statute.

Ch. 904 (AB 3598) Moorhead. Alcohol and drug first offender programs

(1) Existing law requires the Governor's Interdepartmental Advisory Council on Alcohol, Drugs, and Traffic Safety to evaluate first offender programs for persons apprehended for driving under the influence of alcohol or drugs, and submit a final report to the Legislature by December 30, 1985. The evaluation would be financed by special fees charged to persons attending those programs, and collected by counties, until July 1, 1986. The fees would be deposited in the First Offender Program Evaluation Fund, and any funds remaining in that fund on July 1, 1986, would be transferred to the General Fund.

This bill would change existing references to the Governor's Interdepartmental Advisory Council to the Governor's Intergovernmental Advisory Council. The bill would authorize the fees to be collected until July 1, 1987. The bill would require payment of the fees to the counties by those persons attending these first offender programs, thereby imposing a state-mandated local program. The bill would transfer the unencumbered balance in the First Offender Program Evaluation Fund to the General Fund on July 1, 1987, rather than on July 1, 1986, as in existing law.

(2) This bill would amend Section 1660.6 of the Vehicle Code to make the changes in that section proposed by both this bill and AB 3065, if both bills are enacted and this bill is enacted last.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

Ch. 905 (AB 3874) Filante. Peace officers

Existing law provides that certain persons who are not peace officers may exercise designated powers of arrest of a peace officer during the course and within the scope of their employment, if they complete a designated course.

This bill would include employees of the California Department of Forestry designated by the Director of Forestry and approved by the Secretary of the Resources Agency within that category of persons.

Under existing law, duly authorized federal employees are peace officers when they are engaged in enforcing applicable state or local laws on property owned or possessed by the United States government and with the written consent of the sheriff or the chief of police, respectively, in whose jurisdiction the property is situated. Existing law additionally sets forth minimum training standards applicable to every person who exercises the powers of a peace officer.

This bill would specify, as a condition of peace officer status, the applicability of the statutory training standards to these federal employees. This bill would also provide that peace officer status for federal employees extends to the enforcement of applicable state or local laws on any street, sidewalk or property adjacent to property owned or possessed by the United States government.

Ch. 906 (AB 3971) Peace. Teacher credentialing: credentials.

Existing law authorizes the Commission on Teacher Credentialing to issue emergency credentials in accordance with regulations adopted by the commission when an insufficient number of certified teachers are available. Existing law specifies that a school district or county office of education, after having solicited and reviewed applications for teaching positions, finds that there is an insufficient number of candidates for emergency credentials, the governing board of the district or the county board of education may, until January 1, 1985, make a declaration of insufficiency, as specified.

This bill would extend the period of time in which a governing board of a school district or the county office of education may make a declaration of insufficiency to January 1, 1987

Ch 907 (SB 430) Carpenter Dentists.

Existing law specifies various acts which, if committed by a licensed dentist, constitute unprofessional conduct for which a licensee may have his or her license revoked or suspended or be reprimanded or be placed on probation. Existing law includes within these specified acts which constitute unprofessional conduct the abandonment of the patient by the licensee before the completion of treatment, as such phase of treatment is defined by the customary practice and standards of the dental profession.

This bill would instead make the abandonment of the patient by the licensee unprofessional conduct without written notice to the patient that treatment is to be discontinued and before the patient has opportunity to secure the services of another dentist and provided the health of the patient is not jeopardized.

[This bill would also provide that the permitting of any person to operate dental radiographic equipment who has not passed a specified course in radiation safety approved by the board or the radiation safety examination conducted by the board prior to January 1, 1985, shall constitute unprofessional conduct.]*

Ch. 908 (SB 956) Dills Building standards.

(1) Existing law requires the Department of Housing and Community Development and the State Fire Marshal to adopt and submit building standards for approval by the State Building Standards Commission and to adopt other building regulations for hotels, motels, lodginghouses, apartment houses, and dwellings, in conformity with various uniform industry codes. In the absence of adoption by regulation, except as specified, the most recent editions of the uniform codes are considered to be adopted one year after the codes are published by the adopting organization. Counties and cities within one year from the effective date of provisions changing the state building standards or regulations are required to impose the same requirements as the state standards and regulations, but, except for certain noise control standards, if the city or county makes an express finding of necessity due to local climatic, geographical, or topographical conditions, it may modify or change the standards or regulations.

This bill would permit the modification or changes by a city or county to be made based on a finding of necessity due to local climatic, geological, or topographical conditions.

This bill would require the State Department of Housing and Community Development and the State Building Standards Commission to adopt these building standards and rules and regulations by reference. The state code, as amended by local jurisdictions, would become effective for local jurisdictional purposes 180 days after publication by the state, thus imposing a state-mandated local program.

The bill would also permit the department to reject a modification of the standards filed by a city or county if no finding was submitted, and would make various nonsubstantive changes.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 909 (SB 1044) Lockyer Workers' compensation.

Existing law provides for the licensing of workers' compensation insurance rating organizations.

This bill would require a licensed rating organization to make available any information contained in a workers' compensation policy to the Department of Industrial Relations and, upon approval of the Insurance Commissioner, to any other governmental agency, pursuant to specified procedures, and under specified conditions.

Existing law requires the physician selected for workers' compensation purposes to submit a report to the employer within 5 days from the date of the initial examination of the employee.

This bill would instead require the physician to submit this report to the employer within 5 working days from the date of the initial examination of the employee.

Ch 910 (SB 1396) Stiern. School districts: apportionments.

Under existing law, a school district with an increase in average daily attendance from the second principal apportionment to the annual apportionment qualifies for an adjustment in the revenue limit or block grant if the increase is equal to or greater than 2% and is attributable to pupils of migrant agricultural workers.

This bill would also permit school districts with less than 2,501 units of average daily attendance to qualify for an adjustment for the 1984-85 fiscal year and thereafter, if the increase in the units of average daily attendance between the two periods is equal to or greater than 10 units of average daily attendance and is attributable to pupils of migrant agricultural workers.

This bill would appropriate \$160,000 for allocation to school districts in the 1984-85 fiscal year pursuant to this bill.

This bill would state the legislative intent to make changes in state apportionments to school districts for the entire 1984-85 fiscal year, and would require the Superintendent of Public Instruction to adjust allowances and disbursements for that fiscal year.

Ch 911 (SB 2162) McCorquodale Mosquito abatement.

(1) Under existing law, various definitions govern construction of the provisions relating to mosquito abatement and vector control districts.

This bill would add additional definitions to those provisions. It would also alter the procedures for petitions for the formation of those districts, and require the petitions to state information relating to the property levies to finance the districts.

(2) Under existing law, provision is made for the appointment of a board of trustees for mosquito abatement and vector control districts.

This bill would establish procedures for a board of supervisors to act as the board of trustees. In cases where a city with territory within the district fails to agree on the board of supervisors acting as trustees, the matter must be determined by the local agency formation commission, which is a state-mandated local program.

(3) Under existing law, the members of the board of a mosquito abatement or vector control district are paid for their travel expenses or, in lieu thereof, \$35 per month per member.

This bill would increase the payment which may be authorized from \$35 to \$50 per month per member.

(4) Under existing law, the powers and duties of a district board of mosquito abatement and vector control districts are prescribed in detail.

This bill would revise those powers and duties, particularly with respect to the taxes and assessments authorized to support a district, the methods available to abate nuisances and recover costs paid therefor, the provisions relating to district elections, and to annexations of territory by districts. Some of these changes also constitute state-mandated local programs.

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(6) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(7) This bill would take effect immediately as an urgency statute.

Ch. 912 (SB 2228) Craven. San Diego County Flood Control District

(1) Under existing law, the San Diego County Flood Control District consists of all the unincorporated territory within San Diego County on the effective date of the San Diego County Flood Control District Act and unincorporated territory annexed to the district in accordance with specified provisions, except specified described territory is excluded from the district.

This bill would include within the district all unincorporated territory within San Diego County on July 1, 1985. The bill would automatically exclude from the district any territory thereafter annexed to a city, but would permit all or any portion of an incorporated city to be annexed to the district, in accordance with prescribed procedures, as a cooperating territory to carry out any district objectives or purposes of mutual benefit.

The bill would require the district, county, and any city detached from the district as a result of the bill to negotiate a property tax exchange, as specified, thereby making a state-mandated local program. The bill would provide for the boundary changes to be operative July 1, 1985, and would make related changes.

(2) Existing law divides the district into 6 permanent zones, as described, and creates a zone commission as specified, for every zone.

This bill would abolish the existing zones and zone commissions. The bill would authorize the board of directors to divide the district into zones or subzones, in accordance with prescribed provisions in connection with the institution of a district project or work of improvement. The bill would authorize the board to appoint advisory commissions, as specified, for the district and for individual zones.

(3) Existing law authorizes the board to establish special drainage areas within the district, in accordance with prescribed procedures and requirements, for the benefit of property in the area.

This bill would define benefit in relation to special drainage areas. The bill would also permit any city which has been formed into a special drainage area and which is detached from the district as a result of this bill to continue as a special drainage area subject to specified conditions.

(4) Existing law provides for publishing, posting, and mailing written notices of the public hearing to each property owner within a proposed special drainage area to consider establishment of the area.

This bill would delete the requirement for mailed notices of the hearing to each property owner in the proposed special drainage area.

(5) Existing law requires competitive bidding, in accordance with prescribed procedures, on any project or work of improvement of the district which would exceed in estimated cost the sum of \$5,000, or materials, equipment supplies which would exceed \$3,500.

This bill would instead require competitive bidding for construction and service contracts of the district estimated to cost over \$10,000 in accordance with the Uniform Public Construction Cost Accounting Act, and would specify related matters.

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 913 (AB 2372) Herger. Horses. movement

Existing law requires that any horse brought into this state be accompanied by specified health information, except for a horse moved from this state and returned within 14 days.

This bill would authorize the Director of Food and Agriculture to issue an annual

permit exempting a working horse, as defined, from the health information requirements if the applicant for the permit owns or operates a business or businesses located in both this state and in another state in which horses are used in the operation of the business or businesses and the horse will be moved across the border from one business location to the other.

Ch. 914 (AB 2378) Wright. Health insurance.

Under existing law, any group policy or contract of health insurance issued by a health care service plan, disability insurer, or hospital service corporation, as specified, is required to contain a provision that an employee or member whose coverage has been terminated, except for specified reasons, shall be entitled to have a converted policy issued without evidence of insurability, as specified.

This bill would require every health care service plan, insurer, and nonprofit hospital service plan issuing group coverage, as specified, to offer to group policyholders or contract holders a continuation benefit which, if selected, would have a duration of at least 90 days. The terms and conditions would include continuation benefit coverage for widows, widowers, divorced spouses, and their dependents if specified conditions are met.

Existing law requires a policyholder or employer to notify its employees or members of conversion coverage, which responsibility is satisfied by notification within 15 days of termination, excluding any period of continuation or extension of group coverage.

This bill would delete the provision which excluded any period of continuation or extension of group coverage, but would provide that group coverage shall not be deemed terminated until the expiration of any continuation of group coverage.

Under existing law, the above provisions requiring insurers and plans to provide conversion benefits do not apply to self-insurance programs provided by employers.

This bill would make those provisions relating to conversion benefits, and the new provisions relating to continuation benefits, applicable to employer plans that are exempt from the federal Employee Retirement Income Security Act, as specified, thereby imposing a state-mandated local program by requiring local governments to comply with those requirements.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 915 (AB 2571) M Waters. Vehicle Code citation forms.

(1) Under existing law, a peace officer who arrests a person for certain violations relating to registration, license, or mechanical requirements of the Vehicle Code, is authorized to release the arrested person if the person signs a notice containing a promise to correct the violation and deliver proof of correction to the issuing agency if specified conditions do not exist.

Under existing law, the officer may also release the person upon issuing a notice to appear which contains a notice that the charge may be dismissed on proof of correction or a specified alternative notice.

This bill would, beginning July 1, 1985, require the officer to release the person if the person signs either a notice to correct violation or notice to appear containing a promise to correct, unless the officer finds that any of specified conditions exist. The bill would make conforming changes. The bill would impose a state-mandated local program by changing the procedures and forms for arrest of traffic violators.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the

Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) The bill, in compliance with Section 2231 5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1991, the provisions contained in the bill for which state reimbursement is required.

Ch. 916 (AB 2865) McAlister. Earthquake insurance.

Existing law does not require insurers issuing policies of residential property insurance to offer coverage for loss or damage caused by the peril of earthquake.

This bill would do so. Specifically, among other things, it would prohibit any policy of residential property insurance from being issued or delivered or, with respect to policies in effect on the effective date of the bill, initially renewed in this state by any insurer unless the named insured has been offered coverage for loss or damage caused by the peril of earthquake. The bill would also specify the form in which the offer is to be written, require a notice to the insured if the offer is not accepted, and specify means of compliance by an insurer.

The bill would also state legislative intent.

Ch. 917 (AB 2883) Lancaster. Transmission of money abroad

Existing law provides that persons who engage in the business of receiving money for the purpose of transmitting the same or its equivalent to foreign countries shall be licensed by the Superintendent of Banks.

This bill would restrict licensure to corporations only and would provide that all licenses issued prior to January 1, 1985, to a noncorporate person shall be automatically revoked on June 30, 1985. The bill would also revise provisions relating to the basis upon which the superintendent may approve or deny an application for a license.

Existing law governing the transmission of money abroad requires that each licensee shall file with the Superintendent of Banks before January 1 and on or before July 1 of each year, a report listing its offices in this state at which money is received for transmission to foreign countries, its employees at these offices who are authorized to receive money for this purpose, and the name and business address of each person not regularly employed who is authorized to receive money for transmission abroad. In addition, the licensee is required to promptly notify the superintendent of terminations and appointments of agents of the licensee in connection with the transmission of money abroad.

This bill would eliminate these requirements.

Existing law requires a licensee to file with the superintendent annually or before July 1 a verified report showing its business and transactions during the preceding calendar year relative to the receipt and transmission of money.

This bill would revise these provisions to impose essentially a quarterly filing requirement and would specify the items of information to be included, such as verified financial statements, the current address of every office of the licensee, and the name and business address of each agent of the licensee and the date of termination of the relationship, if applicable.

Existing law requires that the expense of the superintendent in making an examination of an agent to ascertain whether the business is conducted in a lawful manner and whether all moneys received are properly accounted for, shall be paid by the licensee represented by the agent.

This bill would provide that whenever the superintendent examines a licensee or agent of a licensee, the licensee shall pay, within 10 days after receipt of a statement from the superintendent, a fee not to exceed \$200 per day for each examiner engaged in the examination, plus, in case it is necessary for any examiner engaged in the examination to travel outside this state, the travel expenses of the examiner.

This bill would impose a state-mandated local program by creating a new crime.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue

and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 918 (AB 3056) Frizzelle Vehicles special license plates.

(1) Under existing law, a motor vehicle manufactured after 1922, that is at least 25 years old and is of historic interest, as defined, may be issued a special identification plate

This bill would make vehicles which meet that criteria, but are not self-propelled, eligible for the special identification plate

(2) Existing law authorizes the Department of Motor Vehicles to receive applications for model-year-date license plates, but prohibits the issuance of the plates or a refund of application fees unless 2,000 applications are received by December 31, 1984

This bill would delete provisions requiring the receipt of 2,000 applications by December 31, 1984, and prohibiting refund of the application fees. The bill would also delete related reporting requirements

Ch. 919 (AB 3089) Harris Nonjudicial foreclosure cure of default

Under existing law, where the principal sum of an obligation secured by a deed of trust or mortgage on real property has become due or declared due by reason of default in payments of interest or principal or for certain other reasons, the default may be cured by the payment within certain time limits of the entire amount then due, other than such portion of the principal as would not be due had no default occurred, plus reasonable costs and expenses actually incurred in enforcing the obligation, and trustee's or attorney's fees in an amount dependent upon the amount of the underlying obligation

This bill would authorize a trustor or mortgagor, by mutual agreement in writing with the beneficiary or mortgagee, to provide additional time to cure the default or establish a schedule of payments to cure default, as specified.

The bill would become operative on July 1, 1985.

This bill would incorporate additional changes in Section 2924c of the Civil Code, proposed by SB 1706, contingent upon the prior chaptering of SB 1706.

Ch. 920 (AB 3110) Naylor. Alcoholic beverages.

Existing law authorizes the Department of Alcoholic Beverage Control to issue a temporary on-sale wine license to any nonprofit corporation, as specified. Other licensees are specifically authorized to donate or sell wine to a nonprofit corporation which obtains a special temporary on-sale license, that license being for a period not exceeding one day.

This bill would additionally authorize the department to issue a temporary off-sale wine license to any nonprofit corporation, under the same conditions. It would also provide that any such on-sale or off-sale license shall be for a period not exceeding 2 days.

The bill would take effect immediately as an urgency statute.

Ch. 921 (AB 3131) Vicencia. Alcoholic beverages. whiskey sales.

Existing law prohibits the sale of potable spirituous liquor products labeled as whiskey unless, among other things, the product has been aged in charred oak containers for 4 or more years after distillation and before bottling. The sale of Scotch whiskeys or spirit whiskeys containing not less than 5% straight whiskey, 4 years or older, is exempted from this prohibition.

This bill would, with respect to the prohibition on the sale of whiskey and the exemption for Scotch and spirit whiskey therefrom, decrease the aging requirement to 3 years

Ch. 922 (AB 3267) Papan Insurance: bank licensing for unemployment insurance

Existing law prohibits banks and bank holding companies and officers and employers thereof from being licensed as insurance agents or brokers, acting in that capacity, or controlling a licensed insurance agent or broker, except that a bank or a bank holding company subsidiary, or affiliate of a bank, may be issued a license as a life and disability

agent limited to the transaction of credit life and disability insurance.

This bill would expand that exception and additionally authorize licensure to act as an agent limited to the transaction of insurance which is limited solely to assuring loan repayment in the event of the involuntary unemployment of the debtor.

Ch. 923 (AB 3514) Killea State funds.

Existing law provides that when a state agency, without reasonable cause, as defined, fails to make a payment to a small business, as defined, which has submitted an undisputed claim pursuant to a contract to supply property or services, within 30 days of the required payment date, as defined, the agency shall pay a penalty to the small business of $\frac{1}{4}\%$ of the amount due, per day, from the 31st day after the required payment date. Existing law specifies, among other things, that the Controller shall pay the penalty out of the agency's budget, and requires the head of the agency to report to the Legislature on the corrective action taken.

Existing law also includes in the above provisions nonprofit public benefit corporations, as defined, which contract with state agencies for an amount less than \$500,000. In addition, no payment penalty may be made if there has been an advance payment made, as specified, or if the state agency has failed to make timely payment because no Budget Act has been enacted.

This bill would provide, in addition, that notwithstanding any other provision of law, no local assistance funds shall be used by any state agency to make the above penalty payments and that all penalty payments shall be paid from funds appropriated for state administration or from any other fund, other than a local assistance fund, which is designated by the Controller as eligible for use to meet the above penalty payment requirements.

Ch. 924 (AB 3810) Stirling. Criminal prosecution. dismissal as bar.

Existing law enumerates circumstances when the termination or dismissal of a criminal prosecution is or is not a bar to a subsequent prosecution.

This bill would specify that a dismissal of a complaint before the commencement of a preliminary hearing in favor of an indictment as specified, is not a bar.

The bill would also revise the circumstances under which an order terminating an action is not a bar to prosecution, as specified.

Ch. 925 (AB 3954) Filante. Pupil health: scoliosis screening.

Existing law requires the governing board of a school district to provide for the screening of pupils for the condition known as scoliosis, and prohibits any individual performing the screening of a pupil from treating that pupil for scoliosis should that pupil be found to have scoliosis.

This bill would, instead, prohibit any person performing the screening of pupils for scoliosis from soliciting, encouraging, or advising treatment or consultation by that person, or any entity in which that person has a financial interest, for scoliosis or other condition discovered in the course of the screening.

Ch. 926 (SB 1816) Maddy. Residue conversion

(1) The existing State Agricultural and Forestry Residue Utilization Act of 1979 provides for carrying out residue conversion technologies demonstration program in the state and provides for the selection and funding of projects in the state from the State Agricultural and Forestry Residue Utilization Account, which is a continuously appropriated fund. Under existing law, the State Energy Resources Conservation and Development Commission is required to include with its annual budget request, a report to chairmen of various legislative committees on the status and results of projects and their funding.

This bill would, instead, require the commission to submit this report biennially.

(2) Existing law requires all unobligated moneys in the account at the end of the fifth project year, and each year thereafter, to revert to the General Fund unless reappropriated by the Legislature.

This bill would make an appropriation by requiring instead all unobligated moneys in the account at the end of December 31, 1990, and each year thereafter, to revert to the General Fund.

Ch 927 (SB 1872) Beverly Commercial transactions

Existing provisions of the Commercial Code contain provisions relating to investment securities governing the purchase and transfer of investment securities, and related matters.

This bill would revise those provisions generally in accordance with the 1977 amendments to that code drafted by the National Conference of Commissioners on Uniform State Laws. Chiefly, the bill would enact provisions to cover uncertificated securities, that is, securities not represented by an instrument and the transfer of which are registered by or on behalf of the issuer. It would also enact provisions governing security interests in investment securities.

The bill would generally continue the California variations from the provisions of the Uniform Commercial Code, but would delete a provision relating to the effect of an issuer's lien upon a transferee with actual knowledge.

The bill would make other related changes.

Ch. 928 (SB 2077) Johnson. Environmental quality: Tahoe basin

(1) Under the Warren-911 Emergency Assistance Act, local public agencies are required to establish and have a basic local emergency telephone system in operation or be part of such a system by December 31, 1985.

This bill would extend that deadline for local public agencies in the Tahoe region, as defined, to December 31, 1986, and would make legislative declarations in that regard.

(2) Under the California Environmental Quality Act, lead public agencies, state and local, are generally required to prepare or cause to be prepared by contract, and certify the completion of, an environmental impact report on any discretionary project, as defined, that they propose to carry out or approve which may result in a substantial, or potentially substantial, adverse change in the environment or, if they determine that a proposed project will not have that effect, to adopt a negative declaration. The act requires the guidelines implementing the act to provide that an environmental impact statement prepared under the National Environmental Policy Act of 1969 which complies with the requirements of the California Environmental Quality Act may be submitted in lieu of a report prepared under the California act.

Under the Tahoe Regional Planning Compact, projects in the Tahoe region, as defined, are subject to substantially similar review as under the California Environmental Quality Act.

This bill would make those provisions that are applicable with respect to an environmental impact statement prepared under the federal act also applicable to an environmental impact report prepared under the Tahoe compact.

Ch 929 (SB 2096) Lockyer. Local agency funds: investment.

Existing law authorizes various specified investments to be made with the funds of or in the control of a local agency.

This bill would require that the purchase by a local agency of any of the authorized investments not purchased directly from the issuer be purchased either from an institution licensed by the state as a broker-dealer, as defined, from a national or state-chartered bank, from a federal or state savings institution, from a brokerage firm designated as a primary government dealer by the Federal Reserve Bank, or from a member of a federally regulated securities exchange.

Ch. 930 (AB 2432) Klehs Taxation.

Existing law requires generally that interest payable to or by the state for purposes of various state tax programs be compounded daily.

This bill would specify certain amounts which are subject to this compound interest and would clarify the commencement and termination of those periods during which interest must be paid on certain amounts in connection with various state taxes.

Existing Sales and Use Tax Law requires the payment to the state by a taxpayer of excess tax reimbursements. Excess tax reimbursement has been administratively treated as a tax and subjected to interest by the State Board of Equalization.

This bill would provide express authorization for the board's treatment of excess tax reimbursement as a tax for purposes of making determinations and computing interest on assessments or refunds.

This bill would also incorporate additional changes in Section 6072 of the Revenue and Taxation Code proposed by SB 1325, to be operative if both bills are chaptered and this

bill is chaptered last.

Under existing law, specified food products are exempt from the sales and use tax.

This bill would make food products which are furnished in a form suitable for consumption on the seller's premises subject to the tax, if specified conditions are present.

Ch. 931 (AB 2525) Lancaster Political Reform Act: disclosure.

Existing law defines the term "income" for purposes of the Political Reform Act of 1974.

This bill would exclude from the definition of income, loans used to refinance the purchase of, or for the improvement to, the principal residence of the filer; ~~and any income of a spouse which is not community property~~.*

This bill would also provide that a retail customer is not a source of income to an official under specified circumstances.

Under the Political Reform Act leasehold interests of less than 10 years are not subject to disclosure.

This bill would require the disclosure of leasehold interests of \$1,000 or more.

Ch 932 (AB 2749) Elder. Sales tax: mobilehomes.

Existing California Sales and Use Tax Law imposes a state tax on the sale or use of tangible personal property in the state, unless the sale or use is exempted from taxation. The law provides until January 1, 1987, that "sales price" and "gross receipts" for the purposes of the state and local sales and use taxes on the sale or use of a used mobilehome shall be based on the current value of the used mobilehome as determined by a recognized value guide, as specified, in connection with designated sales.

Moreover, counties, cities, and certain transit districts are authorized to impose local sales and use taxes in conformity with the state's taxes. Exemptions from the state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes.

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities, but not the transit districts, for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would provide that if the value guide does not specify the age, model, and manufacturer of a used mobilehome or if the actual sales price of a used mobilehome is less than the current value specified in the value guide, the "sales price" and "gross receipts" shall be based on the actual sales price of the mobilehome as evidenced by the purchase documents. It would also specify that the use of a recognized value guide in determining the "sales price" of a used mobilehome applies to sales between private parties.

This bill would also provide that no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

This bill would take effect immediately as a tax levy.

Ch. 933 (AB 3797) Costa. Vehicle registration.

Existing law requires the Department of Motor Vehicles, upon payment of a \$25 fee, to issue a 5-day, one-trip permit that authorizes bringing a laden, unregistered new trailer or semitrailer from an out-of-state place of manufacture to a place within the state where it will be offered for sale.

This bill would delete the above requirements respecting the state of the manufacturer's and seller's locations.

Ch. 934 (AB 3884) Molina. Schools: joint powers entities waivers

Under existing law, school districts may apply to the State Board of Education for a waiver of provisions of the Education Code. Existing law defines a school district as including county offices of education.

This bill would specify that any request for a waiver relating to a regional occupational center or program which is operated by a joint powers agency shall be submitted as a joint waiver request for each participating district. This bill would require each joint waiver request to comply with all of the provisions of current law relating to waiver requests, and would require the submission of a joint waiver request to be approved by a unanimous vote of the governing board of the joint powers agency.

Ch. 935 (AB 3178) Kelley. Dump truck carriers

Existing law provides generally for the regulation of highway permit carriers by the Public Utilities Commission and provides specifically for the regulation of dump truck carriers as a specialized type of truck transportation. For these purposes, dump truck carriers engage in the transportation for compensation over any public highway in this state of mining, building, paving, and construction materials, except cement or liquids, in bulk in dump truck equipment.

This bill would revise that statement of what constitutes dump truck transportation to specify that it includes operations by a person or corporation under contract or other arrangement with a shipper or another carrier as well as operations engaged in directly, and involves the transportation for compensation over any public highway in this state of mined, building, paving, or construction materials, including dirt and other excavated materials but excluding cement or liquids, in bulk in dump truck equipment. The bill would declare that this revision does not constitute a change in, but is declaratory of, existing law.

The bill would require every corporation or person engaged in business as a dump truck carrier without a permit on January 1, 1985, to apply for a permit prior to March 15, 1985, specifying an application fee of \$50 in lieu of all other fees, and would direct the commission to issue a permit for operation within the area requested without further proceedings.

The bill would delete requirements that the applicant establish its qualifications for the permit by a preponderance of evidence and that the applicant show that its operations will impair neither the condition or maintenance of the highways nor the ability of presently permitted dump truck carriers to provide adequate service at the lowest rates.

The bill would authorize the commission to issue, upon application therefor, a temporary dump truck carrier permit for not more than 90 days and renewals of temporary permits for not more than 45 days, up to a maximum of 180 days in any calendar year, and would specify an application or renewal fee of \$25 in this connection.

The bill would appropriate \$25,000† to the commission for these purposes.

Ch. 936 (AB 2211) Lancaster. Franchise investment.

Existing law provides that the Commissioner of Corporations may refer available evidence concerning any violation of the Franchise Investment Law or any rule or order promulgated thereunder, to the district attorney of the county in which the violation occurred, who is authorized to institute appropriate criminal proceedings.

This bill would specifically permit the Commissioner of Corporations and the counsel, deputies, or assistants of the commissioner to assist the district attorney in presenting the law or facts at trial in such criminal proceedings, where such assistance has been requested by the district attorney.

Ch. 937 (AB 2309) Stirling. Real property

Existing law provides that it is presumed that the breach of an agreement to transfer real property cannot be adequately relieved by pecuniary compensation.

This bill would provide that, in the case of a single-family dwelling which the party seeking performance intends to occupy, the presumption is conclusive, and in all other cases the presumption is a presumption affecting the burden of proof.

Ch. 938 (AB 2380) Hannigan. Income taxes: bank and corporation taxes.

Chapter 488 of the Statutes of 1983 substantially revised the Personal Income Tax Law by amending, adding, and repealing various sections of the Revenue and Taxation Code and by making reference, with specified exceptions, to various provisions of the Internal Revenue Code of 1954 in effect as of a specified date to conform them, in part, to the federal income tax.

This bill would correct or delete erroneous section cross-references due in part, to the enactment of that revision of the Personal Income Tax Law and the enactment of other related laws that year. It also would make various technical and clarifying supplemental changes to the Personal Income Tax Law and the Bank and Corporation Tax Law relating to, among other things, the following subjects: (1) the determination of marital status; (2) the renter's tax credit refund; (3) in the case of a part-year resident, the inclusion of income from whatever source derived during the period of residence in this state; (4) covenant bonds, (5) personal service corporations formed or availed of to avoid

† Appropriation in Section 9 of chapter deleted by action of the Governor

or evade income tax; (6) deductions relating to alimony payments by a nonresident spouse or by a part-year resident; (7) amount deductible by an employer for funding defined benefit plans for self-employed individuals; (8) basis rules relating to an individual retirement account or annuity; (9) gains from dispositions of certain depreciable realty; (10) gain or loss with respect to a regulated futures contract; (11) dispositions of certain stock in partial liquidation; (12) the revocation of the election to deduct certain mining exploration expenditures; (13) net operating loss carryover; and (14) treatment of expenditures to remove architectural and transportation barriers

Under the existing Personal Income Tax Law and Bank and Corporation Tax Law, any action or prosecution under specified provisions must be instituted within 4 years after the commission of the offense

This bill would instead require that the action or prosecution be instituted within 6 years after the commission of the offense.

This bill would make additional changes in Sections 17276.5 and 24417, Revenue and Taxation Code, proposed by SB 1278, to be operative only if SB 1278 and this bill are both chaptered, and this bill is chaptered after SB 1278.

This bill would make additional changes in Section 17024.5, Revenue and Taxation Code, proposed by AB 2215, to be operative only if AB 2215 and this bill are both chaptered, and this bill is chaptered after AB 2215.

This bill would make additional changes in Section 17053.5 of the Revenue and Taxation Code, proposed by SB 1400 and SB 120, to be operative only if SB 1400 and SB 120 and this bill are chaptered, and this bill is chaptered after SB 1400 and SB 120.

This bill would make additional changes in Section 17041 of the Revenue and Taxation Code, proposed by AB 2632, to be operative only if AB 2632 and this bill are both chaptered, and this bill is chaptered after AB 2632

This bill would take effect immediately as a tax levy

Ch. 939 (AB 4044) N. Waters. Marketing orders: weather data.

Under the California Marketing Act of 1937, the Director of Food and Agriculture is authorized to issue marketing orders that prescribe rules and regulations that govern the processing, distributing, or handling in any manner of any commodity within this state during any specified period.

This bill would authorize a marketing order to contain provisions for the gathering and dissemination of weather data, as specified

The bill would take effect immediately as an urgency statute

Ch 940 (SB 961) Johnson Peace officers.

Existing law provides that various public employees are peace officers with prescribed powers and duties

This bill would provide that certain employees of the Office of the Secretary of State are peace officers, as specified, but may not carry firearms. The bill would also state the intent of the Legislature in this regard.

This bill would incorporate additional changes in Section 830.3 of the Penal Code, proposed by AB 3990, to be operative only if AB 3990 and this bill are both chaptered and become effective January 1, 1985, and this bill is chaptered last

Ch. 941 (SB 1021) Montoya Cosmetology: manicurists: prohibited acts.

Existing law known as the Cosmetology Act licenses and regulates, among others, manicurists, as specified.

This bill would set forth various acts in which a manicurist, unless otherwise licensed by the State Board of Cosmetology, is specifically prohibited from engaging. A violation of the provision would be a misdemeanor pursuant to a general misdemeanor section in the Cosmetology Act. This bill would thus impose a new program or higher level of service upon local governments by creating a new crime

Existing law requires every school of cosmetology to have at least 2 instructors, and when the daily attendance for either day or night school averages more than 50 students for a period of 3 months, existing law requires an additional instructor to be engaged for each 3 months' average of 25 students after the first 50

This bill would require the ratio of full-time instructors present and on the premises to students attending the school, as defined, to be at least one full-time instructor for

every 25 students or less, and one additional full-time instructor for every additional 25 students or less after the first 25.

Existing law requires every cosmetological establishment where hairdressing is performed to have a self-closing door to the restroom and any anteroom.

This bill would delete that requirement.

Existing law requires the board to adopt regulations providing for an inactive license status commencing with the 1980 license renewal period and each subsequent renewal period.

This bill would delete obsolete language from this provision

The bill would also provide that (1) the Cosmetology Act confers no authority to practice medicine or surgery, and (2) when providing a manicure or pedicure, a cosmetologist or manicurist shall use no metal instruments except those metal instruments necessary for the cutting, trimming, manicuring, or pedicuring of nails or cuticles.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 942 (SB 1727) Keene. Medical Practice Act: disciplinary action.

Existing law provides that a person whose certificate to practice medicine has been revoked or suspended or who has been placed on probation may petition the Division of Medical Quality for reinstatement or modification of penalty. The petition may be heard by a medical quality review committee panel consisting of 7 members, as specified.

This bill would provide that a petition shall not be considered while there is an accusation or petition to revoke probation pending against the person. It would also provide that panel membership may include members of other medical quality review committees, as specified.

Ch. 943 (SB 1837) Montoya. Land surveyors: records of survey.

Existing law known as the Land Surveyors' Act, requires licensed land surveyors and registered civil engineers to file with the county surveyor, within 90 days after the establishment of points or lines, the record of any survey relating to land boundaries or property lines which discloses certain specified changes or material discrepancies.

This bill would instead provide that after a survey has been made in conformity with the practice of land surveying, a record of survey shall, except as provided, be filed within 90 days after the setting of boundary monuments during the performance of a survey or within 90 days after the completion of the survey, whichever occurs first, if the survey discloses specified information. The bill would define "material discrepancy." The bill would revise the information which the record of survey must show and would provide that the record of survey need not consist of a survey of the entire property. The bill would also provide that a record of survey is not required of any survey which is a retracement of lines shown on a subdivision map, official map, or a record of survey, where no material discrepancies with the records are found and sufficient monumentation is found to establish the precise location of property corners thereon, provided that a corner record is filed for any property corners which are set or reset or found to be of a different character than indicated on prior records.

Existing law requires the county surveyor to provide an extensive examination of the record of survey with respect to various aspects, including whether the record complies with the provisions of the Land Surveyors' Act, within 20 days of receipt or at a time mutually agreed upon by the land surveyor or civil engineer and the county surveyor. Existing law also requires all records of survey to be in a certain form and certain records of survey to have attached to them specified certificates of compliance. Existing law requires the county surveyor to endorse and file the record of survey with the county recorder after examination of the record is completed and the record of survey is found to be satisfactory.

This bill would provide that the county surveyor shall, instead, examine the record of

survey for compliance with specified provisions of the Land Surveyors' Act and accuracy of mathematical data. The bill would also revise provisions relating to the procedure for filing the record of survey with the county recorder upon a finding of compliance or noncompliance with the above requirements by the county surveyor. The bill would revise the surveyor's and county surveyor's certificates, would revise a provision permitting the county surveyor to charge a reasonable fee for examining the record of survey, would specify that certain time limits within these provisions are to be counted as "working days," would provide for an action to compel the county surveyor to file the record of survey with the county recorder, and would provide that a tag marking a monument set by a licensed land surveyor or registered civil engineer to mark or reference a point on a property or land line may include any information which will assist in the tracing or location of the survey records which relate to the tagged monument.

Existing law provides that every person is guilty of a misdemeanor who violates any provision of the Land Surveyors' Act.

This bill would impose a state-mandated local program or higher level of service upon local governments by revising the definition of a crime

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 944 (SB 2045) McCorquodale. County health services.

Under existing law, the County Health Services Fund is allocated annually to the governing body of each county, the City of Berkeley, and each existing local health district for the purpose of providing public health services.

This bill would provide for the allocation of funds from the County Health Services Fund to the Cities of Long Beach and Pasadena, as specified. However, if the City of Long Beach or the City of Pasadena, or both, consents by resolution for Los Angeles County enforcement of public health laws and orders, the funds would be added back to the allocation for the county.

Ch 945 (SB 2093) Lockyer Contractors licensing exemptions.

Under existing law, public utilities operating under regulations of the Public Utilities Commission are exempt from the Contractors License Law with respect to construction, maintenance, and development work incidental to their own business, as are those activities of a cable television corporation which are subject to safety orders and regulations of the commission.

The existing provision of the Contractors License Law which makes those exemptions, will, by its own terms, be repealed on January 1, 1985.

This bill would eliminate the automatic repealer of that provision

The bill would also provide that underground trenching by a cable television corporation within the public streets, other than that necessary solely for the connection of its distribution system to, or within the properties of, subscribers or potential subscribers, shall not be included in the activities of a cable television corporation which are exempt from regulation under the Contractors License Law.

Ch 946 (AB 2345) Hannigan. Property taxation: supplemental assessments.

(1) Existing law requires each county, commencing with the 1983-84 property tax assessment year, to prepare supplemental assessment rolls and collect supplemental property taxes and pay refunds in a specified manner for real property which has been purchased or changes ownership or on which new construction is completed on or after July 1, 1983, and thereafter after the lien date.

This bill would make various technical and clarifying changes to this law. It would also express the Legislature's intent that the provisions relating to supplemental rolls and supplemental property taxes, with specified exceptions, are limited to assessments on the supplemental roll and are not intended to affect the valuation or assessment provi-

sions applicable to the regular assessment roll. It would create a state-mandated local program by, among other things, changing the method of determining the date new construction shall be deemed completed.

(2) Chapter 1102 of the Statutes of 1983 added provisions exempting certain aircraft, as specified, which have been made available for display in a publicly owned aerospace museum, or an aerospace museum which is regularly open to the public and which is operated by a nonprofit organization which has qualified for a specific exemption under the Bank and Corporation Tax Law.

This bill would make that exemption applicable to fiscal years preceding the 1984-85 fiscal year, commencing with the 1979-80 fiscal year. It would provide for the total cancellation of taxes, penalties, and interest with respect to property otherwise qualifying for that exemption in the 1979-80 to 1983-84 fiscal years, inclusive, if an appropriate claim for exemption has been filed on or before March 1, 1985.

Section 2229 of the Revenue and Taxation Code provides that no new classification or exemption of property for purposes of ad valorem property taxation shall extend for more than 5 years or shall exempt more than 75% of the value thereof. The section requires the Legislature to reimburse local agencies annually for certain property tax revenues lost as a result of the exemption.

This bill would provide that the requirements of Section 2229 of the Revenue and Taxation Code do not apply to the property tax exemption provided by the bill, and that no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to the bill.

(3) Under the existing property tax law, a taxpayer may obtain a refund of taxes erroneously paid, assessed, levied, or collected on the timely filing of an appropriate claim or application.

This bill would require that an order for a refund be made without any claim if a refund is ordered by a final decision of a court of competent jurisdiction, whether by a final decision of the Supreme Court or a court of appeal of this state or by judgment of the trial court becoming final and the taxes paid were either erroneously or illegally collected, or illegally assessed or levied. Those provisions would apply only to the City of Fresno until July 1, 1986.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(5) This bill would take effect immediately as an urgency statute

Ch. 947 (AB 2347) McAlister. Insurance

Existing law ; ~~effective until January 1, 1985, when it will be repealed;~~* requires any person who is licensed by the Department of Corporations as a solicitor for a health care service plan to disclose specific information to a purchaser or prospective purchaser when the coverage offered does not meet all pertinent requirements specified in the Insurance Code and which is not provided or completely underwritten, insured, or otherwise fully covered by the health care service plan.

This bill ~~would delete the repealer, and~~* would provide that the requirement to disclose that information is to apply to all solicitors and solicitor firms without regard to licensure by the Department of Corporations

Under the existing provisions of the Knox-Keene Health Care Service Plan Act of 1975, proposed regulations of the Commissioner of Corporations are required to be submitted to the Health Care Service Plan Advisory Committee for review and comment. Existing law requires the proposed regulations to be submitted to the committee at least 30 days prior to setting a notice of hearing.

This bill would, instead, require the proposed regulations to be submitted to the

committee at least 45 days before setting a notice of hearing.

Existing law provides that any person or entity which provides any of various forms of health expense coverage is presumed to be subject to the jurisdiction of the Department of Insurance unless it shows that it is subject to the jurisdiction of another agency of this or another state or federal government.

This bill would additionally provide that persons or entities providing coverage in this state for medical, surgical, chiropractic, physical therapy, speech pathology, audiology, professional mental health, dental, hospital, or optometric services, which enter into an agreement or contract with, or underwrite, a preferred provider organization or arrangement subject to specified provisions of the Insurance Code, are subject to the jurisdiction of the Department of Insurance. The bill would specifically exempt from these provisions, health care service plans created under the Knox-Keene Health Care Service Plan Act which are subject to the jurisdiction of the Commissioner of Corporations.

Existing law for purposes of the Insurance Code defines an "administrator" as any person who collects charges or premiums from, or who adjusts or settles claims on, residents of this state in connection with life or health insurance coverage or annuities, with specified exceptions.

This bill would instead define an "administrator" as any person who collects any charge or premium from, or who adjusts or settles claims on, residents of this state in connection with life or health insurance coverage or annuities or coverage for medical, surgical, chiropractic, physical therapy, speech pathology, audiology, professional mental health, dental, hospital, or optometric services, with specified exceptions. It would add to those exceptions any person or entity subject to regulation as a health care service plan.

The bill would also take effect immediately as an urgency statute.

Ch. 948 (AB 2549) Costa Schools: pupils' parental liability.

Existing law specifies that notwithstanding specified provisions of existing law, the parent or guardian of any minor whose willful misconduct results in injury or death to any pupil or person employed by or performing volunteer services for a school district or private school or who willfully cuts, defaces, or otherwise injures in any way property, real or personal, belonging to a school district or private school, or personal property of any school employee, shall be liable for all damages so caused by the minor. Existing law prescribes a limitation on the liability of the parent or guardian of these pupils in the amount of \$5,000. Existing law specifies that the parent or guardian shall also be liable for the amount of any reward not exceeding \$5,000 paid pursuant to specified provisions of existing law.

This bill would increase the maximum amount of a parent's or guardian's liability and his or her liability for any reward paid to \$7,500.

This bill would require the Superintendent of Public Instruction to compute an adjustment of the liability limits prescribed by this bill at a rate equivalent to the change in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States, as published by the United States Department of Commerce for the prior fiscal year.

Ch 949 (AB 2551) Farr Computers.

Under existing law, the malicious access, alteration, deletion, damage, or destruction of a computer system, network, program, or data is a public offense and a felony.

This bill would add to that category of offenses the disruption of the operation of a computer system, network, program, or data. The bill would classify specified unauthorized access as a public offense, punishable as specified, depending on whether there is injury, as defined, and would express certain legislative findings and intent relating to that offense. The bill would make certain changes in the definition of the term "computer system." The bill would provide certain civil remedies, as specified.

The bill would create a state-mandated local program by the imposition of new crimes.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making

claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 950 (AB 2576) Kelley Weather modification operations.

Under existing law (the California Weather Resources Management Act of 1978), a person engaging in weather resources management, as defined, is required to obtain a license, as prescribed, from the Department of Water Resources, to secure a permit, as prescribed, from the department before undertaking a weather resources management project; to file with the department and cause to be published, a notice of intention prior to applying for a permit; to keep a record of all operations; to file specified reports with the department, and to comply with other related provisions. The department is required to publish annually a comprehensive report of all weather resources management projects.

This bill would repeal the foregoing provisions, but would reenact portions thereof and require a weather resources management project operator to file with the department and cause to be published, as prescribed, a notice of intention before commencing a project, and would require the operator to keep specified records and to file with the department a report on the evaluation of project results.

Ch. 951 (AB 2606) O'Connell. Restaurants.

Effective January 1, 1985, the California Uniform Retail Food Facilities Law will generally prohibit animals, except guide dogs, signal dogs, service dogs, or dogs used by specified uniformed employees, from being kept or allowed in any food facility, outdoor barbecue facility, or certified farmers' markets but does not contain that exception for those dogs in temporary food facilities.

This bill would permit the presence of those dogs accompanied by those persons in a temporary food facility. The bill would also permit dogs accompanied by persons licensed to train guide dogs for the blind in the above described food facilities. The bill would specify that those persons are liable for any damage done to the premises or facilities by the dog.

Ch. 952 (AB 2858) M. Waters Arrest release on citation

Existing law provides that in any case in which a person is arrested for an offense which is a misdemeanor and does not demand an appearance before a magistrate, the person may be released according to specified procedures, including the issuance of a notice to appear. When a person is not released for a misdemeanor, except in certain cases, one of specified reasons must be given by the arresting officer.

This bill would require the release of the person pursuant to those procedures in misdemeanor cases except in certain cases

Ch. 953 (AB 2926) Robinson. Superior court Orange County

(1) Existing law specifies the number, classification, and compensation of superior court personnel in Orange County.

This bill would revise the number, classification, and compensation of superior court personnel in Orange County.

(2) Existing law authorized the appointment of a court commissioner for various municipal court districts in Orange County.

This bill would authorize the appointment of a court commissioner for the North Orange County Judicial District, thereby imposing a state-mandated local program.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 954 (AB 2937) Margolin. Genetically handicapped persons.

(1) Existing law requires the State Director of Health Services to establish and administer a program for medical care of persons with genetically handicapping conditions,

as defined.

This bill would add to this program certain enumerated disorders which require specialized treatment or service available from only a limited number of program-approved sources. It would also provide that persons with the prescribed disorders who were eligible to receive services under the California Children's Services Program, but having attained age 21 are no longer eligible to receive these services, would be able to receive care under the program, as specified.

This bill would also make certain technical nonsubstantive changes to existing law.

(2) This bill would require the State Department of Health Services to study and report to the Legislature the effect of the provisions which would be added by this bill, as specified.

(3) It would make a statement of legislative intent.

(4) This bill would appropriate \$22,000 to the department for purposes of carrying out its provisions for the 1984-85 fiscal year

(5) It would make its changes effective only until January 1, 1988, as specified.

(6) It would take effect immediately.

Ch. 955 (AB 3006) Tucker. Ambulance services and hazardous material haulers: fee.

(1) Existing law requires ambulance services to be licensed by the Department of the California Highway Patrol. Existing law requires the department to determine that ambulances licensed by it are in compliance with the Vehicle Code and department regulations. The existing fee for an ambulance service license is \$10 for a new license and \$5 for a renewal license.

This bill would require the department to inspect ambulances at least annually and would preclude counties and cities from requiring duplicative inspections. The bill would increase the fees to \$200 for a new license and \$150 for a renewal license.

(2) Under existing law, the fee for obtaining a duplicate license from the Department of the California Highway Patrol is \$2.

This bill would increase the fee to \$5

Ch 956 (AB 3036) Costa. Community service districts: county waterworks districts: joint powers agreements.

(1) Under existing law, 2 or more public agencies by agreement may jointly exercise any power common to the contracting parties.

This bill would authorize the Resource Conservation Energy Joint Powers Agency to finance, construct, install, and operate projects for the production of biogas and electricity from animal or agricultural waste, within its jurisdiction or outside its jurisdiction in designated geographical areas of the state.

(2) Under existing law, any community service district having power to own or operate a water system is authorized to contract with various designated entities to purchase or acquire from, or to sell to, or jointly to acquire, construct, operate, or maintain a water system or water supply to serve their inhabitants.

This bill would, in addition, authorize the district to so contract with any person or private corporation of any kind or with the United States or any department, instrumentality, or agency thereof. The bill would authorize the district to incur a long-term debt obligation without the necessity of obtaining voter approval, by entering into a loan assumption agreement whereby it agrees to assume the obligation of the users or owners of the water system or water supply to make loan payments to the United States or any department, instrumentality, or agency thereof, in exchange for or as part of the purchase price of that water system or water supply.

(3) Under the County Waterworks District Law, a county waterworks district is authorized to fix a sewer standby or immediate availability charge to be applied on a parcel basis to be charged to the parcels to which sewer service is made available by the district, not to exceed \$10 per residential parcel or per acre per year.

This bill would increase the maximum permissible charge to \$30 per residential parcel or per acre per year, but would permit the maximum charge to be increased from one fiscal year to the next by the same percentage increase as reflected by the Consumer Price Index.

(4) Existing law provides for the creation, upon the approval by the voters thereof

at the 1984 general election, of the Pajaro Water Management Agency and prescribes the organizations, boundaries, management, powers, duties, and financing of the agency. Existing law authorizes the agency to purchase and import water into the agency subject to specified provisions, except that no water may be imported into the agency for other than agricultural purposes.

This bill would revise the boundaries of the agency, and would provide that the limitation to agricultural use of imported water shall not apply to lands within the Aromas County Water District.

(5) The bill would take effect immediately as an urgency statute.

Ch 957 (AB 3163) Lancaster. Financial institutions.

Existing provisions of the Travelers Checks Act provide for the licensure of persons engaged in the business of selling travelers checks, with specified exceptions.

For purposes of that act, this bill would redefine the terms "foreign currency" and "United States currency," as specified. With respect to provisions relating to eligible securities, the bill would define "insured bank" and "insured savings and loan association," and redefine "United States currency eligible security," as specified.

Existing law provides that every bank or trust company that has one or more branch offices in any place other than the city in which its head office is located shall report to the Superintendent of Banks on total deposits and total loans of each of its branch offices.

This bill would repeal that provision.

Existing law, with respect to the regulation of banks, specifies certain prohibited practices and penalties. Among other things, it prohibits the purchase by the bank of any real or personal property of any financially interested director, officer, employee, or controlling stockholder the purchase by any officer, director, agent, or employer of any bank assets for less than current market value, or the purchase of any of the bank's obligations or assets for less than book value, with specified exceptions.

This bill would, with respect to those prohibited practices, instead prohibit "subject persons" from engaging in those activities. The term "subject person" would be defined as any director, officer, or controlling person of a bank, or any director or officer of a controlling person of a bank.

Existing provisions of law relating to payment instruments define an "insured bank" as one which has deposits insured by the Federal Deposit Insurance Corporation.

This bill would exclude from that definition any office of a foreign (other nation) bank other than an office which is insured by that corporation.

Existing law provides for the licensure of persons selling payment instruments, as defined.

This bill would, for those purposes, redefine the term "United States eligible security," as specified, and make related changes.

Ch. 958 (AB 3168) Nolan. Savings associations

Existing law provides for the payment of money in a joint ownership account in a savings association or a federal association to or on the order of the joint owner, and for the change of ownership of a joint ownership account.

This bill would revise these provisions to refer to joint tenancy accounts and joint tenants rather than joint ownership accounts and joint owners.

The bill also makes various technical and clarifying changes, as specified, to the Savings Association Law.

Ch 959 (AB 3362) Moore. University of California. regents: open meetings

Existing law requires the Regents of the University of California to hold meetings which are open to the public, and to give public notice prior to those meetings. It also permits the regents to conduct closed sessions when it meets to discuss certain specified matters.

This bill would also authorize committees of the regents to discuss Medi-Cal contract negotiations in closed session and to conduct closed sessions for the purpose of proposing a student regent.

The bill would also specify that the regents shall not be required to give public notice of meetings of special search or selection committees held for the purpose of conducting interviews for university officer positions.

Ch. 960 (AB 3513) Killea. Hazardous waste facilities: fees.

(1) Existing law requires the State Department of Health Services to issue hazardous waste facilities permits and prohibits the operators of specified hazardous waste facilities from accepting, treating, storing, or disposing hazardous waste without such a permit. The department is also authorized to grant interim status to persons applying for a permit.

This bill would require the department, by regulation, to adopt a schedule of non-refundable fees for the filing, reissuance, and continuance of a hazardous waste facilities permit and continuance of a grant of interim status, based upon specified factors, and to set the fees in an amount sufficient to pay, but not to exceed, the actual and reasonable costs of administering the permitting provisions. The bill would prohibit the department from imposing these fees on specified hazardous waste facilities of counties, cities, and districts. The bill would require that an applicant be assessed a fee for a permit application which does not exceed \$10,000, a fee for a permit reissuance which does not exceed \$5,000, and a fee for annual permit or interim status continuance which does not exceed \$1,000.

The bill would require an applicant for, and a holder of, a hazardous waste facilities permit or a holder of a grant of interim status to pay the fees established by the department and would require the department to deposit these fees into the Hazardous Waste Control Account.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by imposing fees upon persons operating hazardous waste facilities, including cities, counties, and districts.

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 961 (AB 3545) Baker. Corrections.

Existing law authorizes an agreement whereby prisoners in the custody of the Director of Corrections may be transferred to a local correctional facility. Existing law also authorizes the transfer of inmate mothers under the jurisdiction of the Department of Corrections to a community treatment program, and provides for the transfer of other inmates to community correctional centers or reentry work furlough programs by the Director or Department of Corrections

This bill would specify that in all those cases, the person remains under the legal custody of the department, subject to its rules, and subject to detention by a state parole or correctional officer, with the consent of the sheriff or corresponding official having jurisdiction over the facility.

Existing law requires the Department of Corrections to reimburse counties for county jail detention costs relating to violation of parole conditions

This bill would revise these provisions to provide for reimbursement of either a county or city for costs incurred resulting from the detention of state prisoners or parolees and from parole revocation proceedings, when (1) the detention results from a violation of the conditions of parole or the rules of the Director of Corrections, (2) the detention is pursuant to an order of the Board of Prison Terms, an order of the Governor, or the authority of a state parole or correctional officer, or (3) security services and facilities are provided for hearings which are conducted by the Board of Prison Terms to revoke parole.

The bill would take effect immediately as an urgency statute.

Ch 962 (AB 3663) Molina. Taxation.

(1) Existing Personal Income Tax Law and Bank and Corporation Tax Law prohibits deductions for expenses on income derived from specified illegal activities.

This bill would add to these specified illegal activities the crimes of pimping and pandering, as defined, and crimes related to obscene matter, as specified.

(2) Existing Personal Income Tax Law and Bank and Corporation Tax Law make commissions and expenses incurred in the enforcement of a warrant, issued for the collection of a tax under those laws, the obligation of the taxpayer collectible in any manner provided for the collection of a tax. These expenses do not, however, include

the cost of appraising property levied upon by warrant, or by notice to withhold, auctioneer's fees, or, the cost of advertising the sale of the property. At present, these expenses are absorbed by the Franchise Tax Board.

This bill would make the expenses of appraising and advertising the sale of property under levy an obligation of the taxpayer.

(3) Existing Personal Income Tax Law and Bank and Corporation Tax Law authorizes the Franchise Tax Board to disclose, pursuant to court order, a taxpayer's tax return information in cases or actions instituted by the board for the enforcement of or the prosecution of that taxpayer's violations of tax laws. The board is prohibited from disclosing tax return information of individuals or corporations in cases or actions instituted for the enforcement or prosecution of tax law violations of third parties.

This bill would authorize the disclosure of a tax return or return information in any judicial or administrative proceeding pertaining to or related to tax administration or to the Attorney General or other legal representatives of the state under specified conditions.

(4) Existing Bank and Corporation Tax Law provides that if an organization is exempt from taxation, as specified, for any taxable year, the application filed by the organization, together with any papers submitted in support of the application, is open for public inspection.

This bill would also make open for public inspection any letter or other document issued by the Franchise Tax Board with respect to the application.

Ch 963 (AB 3675) Johnston. Courts: San Joaquin and Sacramento Counties.

(1) Existing law specifies the number, compensation, and classification of municipal court personnel in San Joaquin County.

This bill would revise the number, compensation, and classification of municipal court personnel in San Joaquin County.

(2) Existing law specifies the compensation of superior court reporters in San Joaquin County.

This bill would revise the compensation of superior court reporters in San Joaquin County.

(3) Existing law specifies the per diem of superior court reporters in Stanislaus County.

This bill would increase the per diem of superior court reporters in Stanislaus County.

(4) Existing law specifies the number, compensation, and classification of municipal court personnel in Sacramento County.

This bill would revise the number, compensation, and classification of municipal court personnel in Sacramento County.

(5) Existing law specifies the number, compensation, and classification of municipal court personnel in Stanislaus County.

This bill would revise the number, compensation, and classification of municipal court personnel in Stanislaus County.

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 964 (AB 3967) Farr. Community redevelopment. Office of Planning and Research.

Existing law requires the Office of Planning and Research in the Governor's office to perform various planning activities.

This bill would require the Office of Planning and Research to select and survey a sample of cities and counties and report to the Legislature on or before December 31, 1985, with regard, generally, to the amount of land within the city or county which is intended for development and which is not in a predominantly urbanized blighted area of a community.

Ch. 965 (AB 4036) Kelley California Egg Commission.

(1) Existing law establishes the California Egg Commission in state government with a specified membership and duties relating to advertising, promoting, and conducting research regarding eggs and egg products.

This bill would make the following changes, among others, in the law relating to the commission:

(a) The definition of egg products would be limited to eggs processed into a nonshell form for use in food processing.

(b) The definition of a handler subject to these provisions would be revised and limited to the first person who engages in specified activities relating to eggs or egg products.

(c) The commission would be authorized to establish an assessment rate that is different for eggs than it is for egg products. For the 1984 marketing season, the commission would be authorized to revise an assessment rate that was adopted prior to that season for the purpose of establishing the different assessment rates for eggs and egg products.

(d) The commission would be authorized, prior to each marketing season and during the 1984 marketing season, to exempt the sale of specified eggs and egg products from an assessment.

(e) The procedure for reapproval of the commission by the handlers at a referendum conducted between January 1, 1989, and December 31, 1989, would be revised.

(2) The bill would take effect immediately as an urgency statute.

Ch. 966 (SB 885) Marks Historical rehabilitation.

(1) Under the existing Marks Historical Rehabilitation Act of 1976, various terms are defined with respect to the financing of the rehabilitation of historical property.

This bill would redefine several of the terms and add new definitions.

(2) The act also provides for employment and contracts pertaining to the rehabilitation of historical property and for the issuance of bonds and bond anticipation notes.

This bill would vary the terms and conditions relating to these subjects.

(3) The bill makes other related and technical changes.

Ch. 967 (SB 1733) Rosenthal. Medical information.

Existing law provides that no provider of health care shall disclose medical information regarding a patient without an authorization except in specified situations. Existing law permits disclosure to, among others, organized committees and agents of professional societies or medical staffs of hospitals, or to professional standards review committees, and to persons insuring or defending professional liability if they are engaged in reviewing the competence or qualification of health care professionals or in reviewing services with respect to medical necessity, level of care, quality of care, or justification of charges.

This bill would also permit disclosure to specified utilization and quality control peer review organizations that are engaged in that sort of review.

It would incorporate additional amendments proposed by AB 3830 contingent upon the prior enactment of that bill.

Ch. 968 (SB 1975) Hart Santa Barbara County: retirement

(1) The County Employees Retirement Law of 1937 presently contains various alternative benefits provisions which may be selected by various counties.

This bill would authorize Santa Barbara County to elect, as specified, to be subject to Retirement Plan 2, an alternative, optional, noncontributory plan, and this new authorization would impose state-mandated local program costs, since its exercise would be subject to negotiation under existing law relating to local employer-employee relations.

(2) Under existing law, the board of directors of the Santa Barbara Metropolitan Transit District is: (a) authorized to establish a retirement system for the officers and employees of the district, and (b) required to acquire a specified actuarial report prior to establishing such a system.

This bill would: repeal item (b) above; and make specified requirements applicable if the board elects to adopt and maintain its own retirement system.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases,

for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for specified reasons.

(4) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of item (1) above would remain in effect unless and until they are amended or repealed by a later enacted act.

(5) This bill would take effect immediately as an urgency statute.

Ch. 969 (SB 2111) Marks. Alcoholic beverages.

Existing law authorizes the issuance of a temporary beer and wine license to certain public television or public broadcasting stations which authorizes them to sell at auction beer and wine donated to them.

This bill would specifically authorize the issuance of an on-sale beer and wine license to a qualifying television or broadcasting station to authorize the sale and service of beer at any event for which a license has been issued. The bill would specifically authorize any licensee to donate beer for these purposes and to serve the beer at any event for which the license is issued.

Ch. 970 (SB 2135) Boatwright. Crimes. claims.

Under existing law, every person who, with intent to defraud, presents for allowance or for payment to any state board or officer, or to any county, city, or district board or officer, any fraudulent claim is punishable either by imprisonment in the county jail, or by fine, or both or by imprisonment in the state prison, or by fine, or both.

This bill would impose a state-mandated local program by creating a crime by providing that every person who, knowing a claim seeks public funds for reimbursement of costs incurred in attending or gaining admission to political functions in support of, or in opposition to, any political party, political candidate, or ballot measure, presents such a claim is punishable either by imprisonment in the county jail, or by fine, or both or by imprisonment in the state prison, or by fine, or both.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 971 (AB 2279) Mojonier Toll bridges. San Diego-Coronado Bridge

Existing law requires the California Transportation Commission to fix the rates of tolls for state toll bridges, including the San Diego-Coronado Bridge.

This bill would require the Department of Transportation to establish, and to provide staff to, a task force composed of specified representatives, which would be required to submit a report on the San Diego-Coronado Bridge to the Legislature by July 1, 1985.

Ch. 972 (AB 2368) Moore. University of California: California Institute for Telecommunications and Information Policy Research.

(1) Under existing law, there are no statutory provisions authorizing the establishment of a cooperative research institute for telecommunications and information research and policy formulation.

This bill would express the legislative intent that a program to establish the California Institute for Telecommunications and Information Policy Research be developed with the cooperation of the University of California for the purpose of conducting research associated with the emerging telecommunications and information service delivery fields. The bill would also express the Legislature's intent regarding the design and administration of the program.

This bill would express the legislative intent that the Regents of the University of California submit a report to the Legislature by June 30, 1985, regarding the feasibility of establishing the California Institute for Telecommunications and Information Policy Research.

Ch. 973 (AB 2412) Kelley Fresh grapes: survey

(1) Under existing law, in order to fund a grape crush report, the Director of Food and Agriculture is authorized to collect a fee of 3¢ per ton of grapes received for crushing from processors who crush more than 100 tons of grapes in this state. The fees are deposited in the Department of Food and Agriculture Fund.

This bill would authorize the director to conduct an objective measurement survey, as defined, of the grape crop. The director would be authorized to increase the fee by up to 2¢ per ton to cover the cost of the survey, thus resulting in an appropriation from the Department of Food and Agriculture Fund which is continuously appropriated for this purpose.

(2) The bill would take effect immediately as an urgency statute.

Ch. 974 (AB 2705) Vicencia. Victims of crime.

Existing law authorizes the indemnification by the State Board of Control of victims of crimes, as defined, pursuant to a specified procedure. Emotional injury resulting from a crime is not indemnified under existing law unless it is incurred by a person who also sustains physical injury or threat of physical injury, or by a member of the family of the victim if that person was present during the actual commission of the crime.

This bill would provide that any individual who sustains an emotional injury as a result of being a victim of certain crimes including rape, abandonment and neglect of children, and sexual offenses, as specified, shall be presumed to have suffered a physical injury.

Ch. 975 (AB 2734) McAlister. Loans: variable interest rates.

Existing law imposes requirements on the issuance of a security document or evidence of debt that contains a provision for a variable rate of interest if the security document or evidence of debt is for the purpose of financing the purchase or construction of real property containing 4 residential units or less. Under existing law, these provisions and requirements do not apply to loans made to an employee of the lender where the sole increase in interest provided for with respect to the loan will result only by reason of the termination of the borrower's employment or the sale, deed, or transfer of the property securing the loan to a nonemployee of the lender.

This bill would instead exempt from the provisions and requirements for variable interest rate loans, loans where the rate of interest provided for is less than the then current market rate for a similar loan in order to accommodate the borrower because of a special relationship, as specified.

Existing law prohibits a bank from making a loan to any executive officer of the bank or to any corporation in which the executive officer is a stockholder, director, officer, or employee or to any partnership of which the executive officer is a partner or employee, or for the benefit of the executive officer or on the endorsement, surety, or guaranty of the executive officer, except under specified circumstances.

This bill would repeal the above provisions and instead would incorporate as state law specified provisions of federal regulations, with certain designated exceptions, relating to loans to executive officers, directors, and principal shareholders of member banks. The repeal and addition of these provisions would become operative on April 1, 1985.

This bill would impose a state-mandated local program by creating a new crime.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 976 (AB 2778) Bradley Building ordinances. waste water facilities.

Existing law exempts the location or construction of facilities for the production, generation, storage, or transmission of water or electrical energy by a local agency from the building ordinances of a county or city.

This bill would include waste water within that exemption.

Ch. 977 (AB 2947) Bane. Health insurance.

Existing law permits health care service plans, disability insurers, and nonprofit hospital service plans to contract with health care providers for alternative rates and to offer the benefit of those rates to insureds, or alternatively, to limit payment to services secured from those providers.

This bill would require health care service plans except specialized health care service plans, disability insurers, and nonprofit hospital services plans which contract for alternative rates to give reasonable consideration, as defined, to timely written proposals for affiliation or contracting, as specified, by licensed or certified professional providers, except as otherwise provided.

Ch. 978 (AB 2952) Elder. Coastal zone. treatment plants.

The California Coastal Act of 1976 provides for the planning and regulation of development, under coastal development permit process, within the coastal zone, as defined, which shall be based on various coastal resources planning and management policies set forth in the act. The policies, among other things, provide for the regulation of public works developments within the coastal zone.

This bill would prohibit the California Coastal Commission from imposing any term or condition on the development of any sewage treatment plant which would be applicable to any future development that the commission finds can be accommodated by that plant consistent with the act.

Ch. 979 (AB 2978) Bane. Courts

Existing law specifies the powers and duties of a board of supervisors.

This bill would authorize a board of supervisors to set up a management review of a municipal or justice court in the county. The board of supervisors would select the agency to perform such review, subject to the agreement of the court, as specified.

The bill would also provide that such management reviews shall not infringe on the judicial duties or the decisions of the court which is the subject of the review, and recommendations resulting from such reviews shall not infringe on the judicial duties or the decisions of the court which is the subject of the review and shall be advisory only. The bill would specify that reviewing agency shall have no power of enforcement.

Ch. 980 (AB 3052) Sher. Courts

(1) Existing law requires the Controller to establish, supervise, and modify a uniform accounting system for municipal and justice courts.

This bill would extend these provisions to apply to superior courts, as well as, probation offices, central collection bureaus, and other unspecified agencies. The bill would also expand and revise the duties of the Controller, as well as, county auditors and other local officers, with regard to such audits thereby imposing a state-mandated local program. Costs incurred by the Controller for monitoring audits would be reimbursed from the Assessment Fund, as specified, unless reimbursed by the counties. The bill would change the definition of the crime of willful failure to keep such accounts, thereby imposing a state-mandated local program.

The bill would also require the proration of installments or partial payments of fines, penalties, forfeitures, or fees between state and local shares thereof, according to such uniform accounting system.

(2) Existing law provides that all fines collected by a county probation officer in any court as a condition of the granting of probation, or as a part of the terms of probation, shall be paid into the county treasury and placed in the general fund for the use and benefit of the county, notwithstanding any other contrary provision of law.

This bill would instead permit that provision to defer to certain other statutes which make other dispositions of such fines.

This bill also would make a technical change to reflect the renaming of the former Indemnity Fund as the Restitution Fund and would allow restitution to be ordered to the Restitution Fund whether or not assistance has been granted to the victim.

This bill also would incorporate changes in Section 1203.1 of the Penal Code made by AB 2700.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases,

for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(4) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

(5) This bill would provide that the provisions requiring audits of superior courts are declaratory of existing law.

Ch. 981 (AB 3058) Killea. Vehicles: owners' and lessees' responsibility for violations.

(1) Existing law makes it unlawful for the owner of a vehicle, or any other person employing or directing the driver, to cause operation of a vehicle contrary to law. Existing law makes it unlawful for a vehicle owner to request, cause, or permit operation of the vehicle in violation of registration and equipment requirements or size, weight, and load restrictions or regulations or local ordinances adopted pursuant to the Vehicle Code.

This bill would prohibit the arrest or citation of a vehicle driver for an offense which is chargeable under the above provisions to the owner or lessee of the vehicle unless the vehicle is registered in a state or country other than California. The bill would also prohibit citing the driver for violations that are not clearly the responsibility of the driver. The bill would require the Department of the California Highway Patrol to report on the effects of this prohibition on or before January 1, 1988.

The above changes that would be made by the bill would be repealed without further action of the Legislature on January 1, 1990.

(2) Existing law makes it unlawful for a vehicle owner or other person employing or otherwise directing the driver to cause or permit the vehicle to be operated contrary to law, as specified

This bill would authorize the courts to transmit a notice of noncompliance to the Department of Motor Vehicles whenever any person is issued a specified notice and fails to appear within 15 days under the above provisions, if no arrest warrant is outstanding. Upon receipt of the notice of noncompliance, the department would be required to refuse registration renewal for the cited vehicle until the court provides notice that the cited person forfeited bail or the matter was otherwise adjudicated or until 2 registration periods have passed or the vehicle's registration has been transferred

The bill would authorize the department to impose specified administrative fees upon vehicle registrants to defray its costs under the bill.

(3) The bill would become operative July 1, 1985

Ch. 982 (AB 3905) Wright. School districts: school district police department employees: training: finance.

Existing law requires the county treasurer to transfer on a monthly basis into the general fund of any school district in the county an amount equal to 50% of certain fines and forfeitures collected from any person arrested or notified by members of the district's school security patrol and charged with specified violations.

This bill would specifically authorize the moneys transferred into the general fund of any school district pursuant to the above-described provisions to be made available for the training of persons employed and compensated as members of a school district police department, as specified.

Ch. 983 (AB 4046) M Waters. Flammability standards

Existing law provides that a person shall not make, repair, renovate, process, prepare, sell, offer for sale, display, or deliver any article of upholstered furniture or bedding, unless the article is plainly and indelibly labeled.

This bill would require that any upholstered furniture or mattress which is made from or contains nonflame retardant cellular foam shall be labeled in a manner approved by the Chief of the Bureau of Home Furnishings

Existing law provides that all upholstered furniture sold or offered for sale by a manufacturer or wholesaler for use in this state shall be fire retardant and shall be labeled in a manner specified by the Bureau of Home Furnishings.

This bill would provide that these requirements also apply to reupholstered furniture to which filling materials are added.

Existing law requires that all flexible polyurethane foam offered for sale in this state for use for any purpose shall be fire retardant. The term "fire retardant" is defined to mean flexible polyurethane foam that meets both the regulations for flammability adopted by the Bureau of Home Furnishings and meets the requirements of applicable mandatory federal government flammability standards for polyurethane foam. Existing law also authorizes the Chief of the Bureau of Home Furnishings to exempt from certain flammability requirements polyurethane foams intended for medical and other special application which are deemed not to pose a serious fire hazard. Existing law provides that polyurethane foam exempted from these flammability requirements shall be labeled in a manner approved by the chief.

This bill would repeal these provisions and would provide instead that all flexible polyurethane foam in the form of slabs, blocks, or sheets, or which is shredded, except polyurethane foam sold for use as carpet underlayment and polyurethane foam which cannot reasonably be expected to be used in or as an article of furniture or a mattress, that is offered for sale to the general public at retail outlets in this state for noncommercial or nonmanufacturing purposes, shall be fire retardant. The term "fire retardant" would be defined to mean a product that meets the regulations adopted by the bureau.

This bill would take effect immediately as an urgency statute.

Ch. 984 (SB 1473) Boatwright Municipal utility districts. bonds.

(1) Under the Municipal Utility District Act, a municipal utility district which has owned and operated an electric distribution, water distribution, or sewage disposal system for at least 8 years and has a population of 250,000 or more may issue bonds for construction or improvement of any part of its system pursuant generally to the Revenue Bond Law of 1941, except, among other things, the bond law's requirements regarding the public sale of refunding bonds.

This bill would also except a district from the requirement of the bond law that the bonds to be refunded with the proceeds of the refunding bonds be called at the first date on which the bonds to be refunded may legally be called.

(2) Under the act, a district is authorized to make a finding, by a $\frac{1}{2}$ vote of the total vote of the district board, that the works of the district have been damaged by natural disaster, sabotage, or the public enemy beyond capability of repair out of ordinary income of the district, and to issue at public sale general obligation bonds for this purpose without holding an election.

This bill would revise the vote requirement under these provisions to specify a $\frac{1}{2}$ vote of all members of the board of a 5-ward district and a $\frac{1}{4}$ vote of all members of the board of a 7-ward district. The bill would also permit the issuance of revenue bonds under these provisions, permit the sale of bonds at a private as well as a public sale, and specify that the statutorily prescribed maximum principal amount of all indebtedness, which is 1% of the assessed valuation of property taxable for district purposes, that may be incurred by a district pursuant to these provisions applies to general obligation indebtedness.

(3) The bill would take effect immediately as an urgency statute.

Ch. 985 (SB 1785) Robbins. Driving records: driver's license renewals.

Existing law authorizes the Director of Motor Vehicles to renew driver's licenses by mail under specified conditions. Existing law prohibits this renewal by mail for persons with a traffic accident in their driving records during the 4 years preceding determination of eligibility for renewal.

This bill would permit renewal by mail where there is not more than one accident during any 2-year period preceding the renewal in the person's driving record, and the person properly reported the accident or accidents to the ~~department~~ [Department of Motor Vehicles]* and met financial responsibility requirements with respect to the accident, if the person was not cited for a Vehicle Code violation in connection with the accident or accidents.

Ch. 986 (SB 2278) Presley. County jails.

Under existing law, it is unlawful for any officer, station officer, or jailer to search the person of any prisoner of the opposite sex, or to enter into the room or cell occupied by any prisoner of the opposite sex, except in the company of a deputy sheriff of the same sex as the prisoner.

This bill would require the search or entry to be made in the company of an employee of the same sex.

Ch. 987 (AB 2497) Allen. Motorcycles and motorized bicycles: helmets.

(1) Nothing in existing law requires drivers or passengers on motorcycles or motorized bicycles to wear safety helmets.

This bill would impose a state-mandated local program by making it an infraction for the driver riding on a motorcycle or motorized bicycle to operate it, or for a person to ride as a passenger on it, unless all riders under 15 years and 6 months of age are wearing, as defined, a safety helmet meeting the requirements established by the Department of the California Highway Patrol. The bill would be applicable to motorcycles and motorized bicycles operated on the highways.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 988 (AB 2520) Hannigan. Property taxation.

Existing law specifies the procedures for a county to enforce its tax liens on real property when taxes due are unpaid. Generally, the first step in the collection of delinquent-secured taxes by sale of the property securing the taxes is what is termed the "sale" of the property to the state. Property thus sold to the state is designated as "tax-sold property" which is defined as real property that has been sold to the state by operation of law for taxes and from which the lien of the taxes for which it was sold has not been removed.

This bill would delete references to "tax-sold property" and "tax-deeded property," would substitute "tax-defaulted property" for that term, and would impose a state-mandated local program by making various changes in related provisions dealing with the procedures which govern the enforcement of tax-defaulted property.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

This bill would take effect immediately as an urgency statute.

Ch. 989 (AB 2987) McAlister. Courts: fees.

Existing law specifies various fees for services performed by sheriffs.

This bill would establish a fee of \$14 for the preparation and execution of a declaration of reasonable diligence, as specified.

Ch. 990 (AB 3060) Killea. Local development: permit expiration.

(1) Existing law specifies an expiration period for tentative subdivision maps approved by a local agency, and provides for extensions thereof.

The law does not specify expiration periods for other permits issued by local agencies in connection with a proposed subdivision.

This bill would provide that unless an earlier expiration appears on the face of the

permit, any permit issued by a local agency in conjunction with a tentative subdivision map for a planned unit development expires no sooner than the approved tentative map, or any extension thereof.

(2) The California Coastal Act of 1976 provides for the planning and regulation of development, under a coastal development permit process, within the coastal zone, as defined, which shall be based on various coastal resources planning and management policies set forth in the act. Under existing law, any permit that is issued is subject to reasonable terms and conditions in order to ensure that the development will be in accordance with the act. Procedures established by a local agency for the filing, processing, review, modification, approval, or denial of coastal development permits to implement a local coastal program, may be incorporated and made a part of the procedures relating to any other appropriate land use development permit issued by the local agency.

This bill would impose a state-mandated local program by requiring that local coastal development permits issued by a local agency in conjunction with a tentative subdivision map for a planned unit development expire no sooner than the approved tentative map, and by requiring that extensions of the tentative map be in accordance with the applicable local coastal program.

(3) The bill makes a technical change in a provision which prescribes time limits within which public agencies must either approve or disapprove a development project which is subject to the California Environmental Quality Act.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 991 (AB 3272) Campbell Recreation and park and regional park districts: fines and forfeitures and board member compensation

(1) Under existing law, fines and forfeitures, with specified exceptions, are required to be distributed monthly to counties and cities, as specified.

This bill would require a monthly transfer to the treasurer of any recreation and park district in the county of an amount equal to 50% of fines and forfeitures collected with respect to persons arrested or notified by peace officers of the district for violations of rules, regulations, or ordinances of the district and occurring on property owned, administered, or controlled by the district. By requiring the county to account for those fines and forfeitures and make the transfer, the bill would impose a state-mandated local program.

(2) Under existing law, the board of directors of a regional park district may authorize each of its members to receive a per diem up to \$100 per day for each attendance at public meetings of the board, subject to a monthly maximum of \$200.

This bill would increase the monthly maximum from \$200 to \$500.

(3) Under existing law, the board of directors of a recreation and park district may establish an amount, up to \$50, for each member to receive for each meeting attended by the member, up to 2 meetings per calendar month.

This bill would increase the maximum amount per meeting to \$100.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(5) Notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of this act shall remain in effect unless and until they are amended or repealed by a later enacted

act.

Ch. 992 (AB 3655) Clute. Airports: aeronautics funds.

The State Aeronautics Act provides for annual payments of \$5,000 by the Department of Transportation from the Aeronautics Account in the State Transportation Fund to public entities operating airports, to be expended for airport and aviation purposes, and requires the department to establish individual revolving fund subaccounts for eligible airports so that these annual payments may be accumulated for up to 5 years.

This bill would permit the department to advance to a subaccount an amount sufficient to raise the total in the subaccount to not more than \$25,000 when to do so will materially assist the public entity in qualifying for federal airport grants or loans, if the department determines that sufficient funds will remain in the account to make all required payments and credits from the account. The bill would in this case require the department to withhold the \$5,000 annual grant until the amount of the advance is recovered with interest, calculated as specified. The bill would, if an airport fails to maintain its eligibility during the 5-year period, require the public entity to repay that amount which the department determines is attributable to the period of the airport's ineligibility, as specified.

Ch. 993 (AB 3953) Mountjoy Public contract bids.

Existing public contract law provides that in its discretion, a local public agency may reject any bid presented for a public project, and if after the first invitation for bid all bids are rejected, the public agency shall have certain specified options regarding the project.

This bill would impose a state-mandated local program by providing, in addition to the existing law, that if after the first invitations for bids, all bids are rejected, the local public agency shall state the reasons for the rejection. The bill would provide, however, that any statement of reasons for the rejection of all bids shall not constitute a new cause of action separate and apart from any existing remedies which may be available to the bidders.

Article XIII B of the Constitution and Section 2231 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. The statutory provision also specifies the manner for paying this reimbursement and requires any statute mandating these costs to contain an appropriation to pay for the costs in the initial fiscal year.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, 6 years after their effective date, the provisions contained in the bill for which state reimbursement is required.

Ch. 994 (AB 1981) Floyd. Wages, hours, and working conditions ski employees.

Existing law permits ski establishment employers to institute a regularly scheduled workweek of not more than 56 hours if the employees receive compensation for employment in excess of 56 hours per week at not less than 1½ times the regular rate.

This bill would, in addition, define the term "ski establishment," and would provide that these provisions shall apply only during any month when Alpine or Nordic skiing activities, including snowmaking and grooming activities, are actually being conducted by the ski establishment.

Ch. 995 (AB 2201) Kelley. Agriculture

(1) Under existing law, any premises or plants which are infected with a pest are deemed to be a public nuisance and may be abated pursuant to a specified procedure.

This bill would specify that cotton which is produced in violation of a host-free period is a public nuisance and would establish a specified process for abating that form of nuisance including a provision for the county agricultural commissioner to abate the nuisance in which case the producer would be required to pay 150% of the commissioner's costs. Refusal to pay these costs would result in a new crime and the bill would thus

impose a state-mandated local program.

(2) Under existing law, any violation of provisions relating to eradication or control of cotton pests is an infraction punishable by a fine of \$100 plus \$1 per acre of land not in compliance with other penalties for subsequent violations.

This bill would, instead, provide that any person producing cotton in violation of cotton plowdown dates or cotton planting dates is punishable by a fine of \$500 plus \$5 per acre of land not in compliance with a plowdown date or \$50 per acre of land not in compliance with a planting date.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(4) The bill would take effect immediately as an urgency statute.

Ch. 996 (AB 2305) Mojonnier. Agriculture.

(1) Existing law imposes a penalty of \$15 for failure to submit a tonnage report of commercial fertilizer and agricultural minerals sales on or before the date specified by the Director of Food and Agriculture, and imposes an additional penalty of \$10 for each succeeding month, of not to exceed a specified maximum amount, the tonnage report remains delinquent.

This act would delete the provision imposing the additional monthly penalty that the tonnage report remains delinquent.

(2) Existing law establishes the Shipping Point Advisory Committee in the Department of Food and Agriculture with a specified membership. The committee's duties relate to advising the department on inspection and certification services of the department for fruit and vegetable shippers.

This bill would require the director to appoint alternate members to the committee, as specified, and would authorize payment to committee members for their actual and necessary expenses.

(3) Under existing law, the director may adopt minimum standards of quality and maturity for fruits, nuts, or vegetables that apply to any such product handled in this state.

This bill would authorize the director or a county agricultural commissioner to issue a permit to a person holding an imported lot of fruits, nuts, or vegetables that do not meet the minimum standards. The permit would allow that person to hold or transport the lot for shipment out of state. The commissioner or the director would be authorized to charge a fee to cover the costs related to the permit process. This fee, if charged by the director, would be deposited in the Department of Food and Agriculture Fund, a continuously appropriated fund, and thus results in an appropriation.

(4) Existing law requires the director to sample, grade, inspect, weigh, and certify field crops, as defined. Existing law also requires the director to fix fees for these services. Existing law does not authorize the director to assess a penalty if those fees are not paid.

This bill would authorize the director to assess a penalty of 1.5% per month, or fraction thereof, if the fees for the services are not paid within 30 days after the date of the invoice, which would be deposited in the fund, and thus results in an appropriation.

Ch. 997 (AB 2361) M. Waters. Investments: African Development Bank.

Existing law specifies those securities issued, guaranteed, or assumed by prescribed entities which are eligible to be received as security for the court and private trusts of a trust company.

This bill would make obligations issued, assumed, or guaranteed by the African Development Bank eligible to be received as such security.

Existing law authorizes a ~~commercial bank~~ [various entities]* to invest in, among other things, the bonds, notes, or other obligations issued by the Federal Financing Bank, the United States Postal Service, or issued or assumed by the International Bank for Reconstruction and Development, the Tennessee Valley Authority, the Inter-American Development Bank, the Government Development Bank for Puerto Rico, or the Asian

Development Bank.

This bill would authorize a ~~commercial bank~~ [those entities]* to invest in the bonds, notes, or other obligations issued or assumed by the African Development Bank.

Existing law permits a domestic incorporated insurer to make excess funds investments in, among other things, bonds, notes, or other obligations issued, assumed, or guaranteed by specified international development banks.

This bill would authorize excess funds investments in the bonds, notes, or other obligations issued, assumed, or guaranteed by the African Development Bank.

Existing law specifies eligible securities for the investment of surplus state moneys.

This bill would specify that obligations issued, assumed, or guaranteed by the African Development Bank are eligible securities for the investment of these state moneys.

Existing law provides that, in order to be eligible to receive and retain demand or time deposits of state funds, a bank is required to deposit with the Treasurer as security for the deposits, certain specified securities in an amount in value of at least 10% in excess of the amount deposited with the bank.

This bill would provide that obligations issued, assumed, or guaranteed by the African Development Bank may be received by the Treasurer as security for demand and time deposits of state moneys.

Existing law provides that specified types of securities are eligible to be received by the Treasurer from a depository institution as security for public moneys of a local governmental agency deposited in the institution.

The bill would provide that obligations issued, assumed, or guaranteed by the African Development Bank are eligible to be received by the Treasurer from a depository institution as security for a deposit of moneys of a local governmental agency in the institution.

The bill would take effect immediately as an urgency statute.

Ch. 998 (AB 2787) Cortese. California water districts.

(1) Under existing law, each voter in districts organized under the California Water District Law is generally entitled to one vote for each dollar's worth of land to which he or she holds title, and the last equalized assessment book of the district or last equalized assessment roll of the county is conclusive evidence of ownership and of the value of the land so owned.

This bill would authorize the board of directors to determine by resolution that the assessment book or equalized assessment roll shall be corrected to reflect, in the case of transfers of land, those persons who, as of the 45th day prior to the election, appear as owners on the records of the county.

(2) Under existing law, elections for the approval of the bonds or specified warrants of a California water district or improvement district therein are required to be conducted on a registered voter basis if, within the district or within the improvement district on the date the election is called, at least 50 percent of the assessable area is zoned for residential, industrial, or nonagricultural commercial use and there are 12 or more registered voters residing in the district.

This bill would delete that requirement.

(3) Under existing law, improvement districts of a California water district may be formed and bonds issued therefor in accordance with prescribed procedures

This bill would, with respect to the Irvine Ranch Water District and the Santa Margarita Water District, permit bonds for 2 or more improvement districts of that district to be issued and sold as consolidated bonds of the district, in substantially the same manner and upon the same terms and conditions as bonds of the entire district, subject to prescribed conditions and procedures.

(4) Under existing law, with a specified exception, no bond issue of any district may be approved for certification by the Treasurer which, together with any other outstanding bonds and bonds authorized but not issued of the district, exceeds 60% of the aggregate value of the property owned by the district or to be acquired or constructed with the proceeds of the bonds proposed to be issued by the district and the reasonable value of the land within the district

This bill would make that limitation inapplicable to bond issues of the Santa Margarita Water District which are secured by a policy of debt service insurance or other credit enhancement acceptable to the Treasurer.

(5) The bill would take effect immediately as an urgency statute.

Ch. 999 (AB 2801) O'Connell. Drugs: nitrous oxide.

Existing law makes it unlawful for any person to knowingly be under the influence of nitrous oxide. The law exempts any person under the influence of nitrous oxide pursuant to an administration by a licensed dentist or physician and surgeon.

This bill would instead exempt any person under the influence of nitrous oxide pursuant to an administration for the purpose of medical, surgical, or dental care by a person duly licensed to administer such an agent.

Ch. 1000 (AB 2885) Statham. Vehicles: driving under the influence.

(1) Under existing law, the Department of Motor Vehicles is required to restrict, rather than suspend or revoke, the driving privileges, as specified, of persons ordered by a court to participate in a program designed to offer alcohol-related services to problem drinkers.

This bill would require the person to apply for the restricted license within 30 days or the suspension or revocation would go into effect. The bill would also delete provisions expressly prohibiting the department from issuing the restricted license if the applicant fails to pay the fee for the license or for participation in the program.

(2) The bill would amend Section 13352.5 of the Vehicle Code to additionally incorporate the changes in that section proposed by SB 895, which would be operative July 1, 1985, if both bills are enacted and this bill is enacted last.

Ch. 1001 (SB 571) Dills. Subdivisions: land and fees for parks and recreation.

Existing laws authorize the legislative body of a city or county, by ordinance, to require dedication of land, or payment of fees in lieu thereof, or a combination of both, for park or recreational purposes, as a condition to the approval of a final subdivision or parcel map provided certain general conditions exist.

Under existing law, the amount of land dedicated or fees paid are to be based upon a specified park acreage per 1,000 residents of the proposed subdivision. For purposes of these calculations, residential density of a subdivision is required to be determined on the basis of the approved or conditionally approved tentative map and the average household size. For this purpose, there is a rebuttable presumption that the average household size for each class of household is the same as that disclosed by the most recent available federal or other prescribed census.

This bill would, instead, require that the residential density be determined upon the basis of the approved or conditionally approved tentative map and the average number of persons per household. For this purpose, it would establish a rebuttable presumption that the average number of persons per household by units in a structure is the same as that disclosed by the most recent available federal or other prescribed census. The bill would make other related changes.

Existing law provides that the amount of neighborhood and community park acreage for the above purposes shall be the actual acreage of existing neighborhood and community parks of the city, county, or local public agency as shown on its records, maps, or reports as of the most recent available federal census.

This bill would, instead, provide that this amount shall be the actual acreage of existing neighborhood and community parks of the city, county, or local public agency as shown on the records, plans, recreational element, maps, or reports, as of the most recent available federal census.

This bill would incorporate additional changes in Section 66477 of the Government Code, as proposed by AB 2038, to be operative only if both bills are enacted and amend Section 66477 and this bill is enacted after AB 2038.

Ch. 1002 (SB 709) Montoya. Abortions

(1) Existing law prohibits any hospital, clinic, or health facility which performs abortions from requiring a physician, registered nurse, licensed vocational nurse, or any other person employed or with staff privileges at that hospital, clinic, or health facility to directly participate in the induction or performance of an abortion.

This bill would impose a state-mandated local program by requiring every hospital, clinic, or health facility, including public facilities, which performs abortions to post a

copy of the law on employee bulletin boards informing the above-described personnel of their right not to participate in the performance of an abortion

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1991, the provisions contained in the bill for which state reimbursement is required.

Ch. 1003 (SB 733) Dills. Outdoor advertising

(1) Existing provisions of the Outdoor Advertising Act regulate advertising displays adjacent to highways.

This bill would delete an obsolete provision of the act.

(2) Under the act, a person placing an advertising display in areas subject to the act is required to obtain a written permit from the Director of Transportation or from the director's agent. The director is required, upon payment of the required fee, to issue a permit for an advertising display if the advertising display is in full compliance with the act and will not violate any other state law.

This bill would make advertising displays meeting certain conditions which are located on property adjacent to State Highway Route 10 in the unincorporated area of the County of Los Angeles, lawfully erected advertising displays and would require the director, upon application and payment of the application fee, to issue a permit for the displays.

(3) Existing provisions of the act prohibit, with exceptions, an advertising display from being placed or maintained on property adjoining a section of landscaped freeway.

This bill would change the reference to property adjacent to a landscaped freeway instead of property adjoining.

(4) The bill would take effect immediately as an urgency statute.

Ch 1004 (SB 1550) Keene. Insurance. underwritten title companies

Existing law provides that all funds deposited with an underwritten title company shall be deposited in a bank or savings and loan association in a separate trust account and shall be used only when all conditions of the escrow have been met. Existing law further provides that bona fide drafts executed by persons fully responsible financially may, at the option of the underwritten title company, be deemed the equivalent of funds already cleared into a bank or savings and loan association escrow account, unless another state law prohibits those persons from tendering these drafts to escrow holders for the purpose of closing escrows.

This bill would eliminate the latter provisions. It would also prohibit, with specified exceptions, a title insurance company, controlled escrow company, or underwritten title company from disbursing funds from an escrow account until all items deposited have become available for withdrawal, as specified.

Ch 1005 (AB 770) McAlister. Registered vocations.

Existing law does not regulate persons engaged in the activity of obtaining or reproducing documents for compensation in order to transmit or distribute documents.

This bill would, as to specified categories of documents, require registration with the county clerk of these persons as professional photocopiers, except as otherwise provided, and would impose various duties in that regard upon the county clerk, thereby imposing a state-mandated local program. The bill would require the payment of a fee, and posting of a bond or cash which would be subject to specified liability. The bill would provide for a hearing by an administrative hearing officer provided by the Office of Administrative Hearings to determine suspension or revocation of certificates. This bill would require the county clerk to revoke the registration of a professional photocopier

in designated circumstances, thereby imposing a state-mandated local program. Records transmitted or distributed would be required to be registered. A violation of those provisions would constitute a misdemeanor, thereby imposing a state-mandated local program.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for specified reasons.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 1006 (AB 1166) McAlister. Health plans.

Existing law does not require the Commissioner of Corporations and the Insurance Commissioner, prior to the adoption of regulations applicable to specified health care providers, to consult with one another for the purpose of ensuring, to the extent practical, consistency of regulation.

This bill would so provide. It would also state legislative intent

Ch. 1007 (AB 1681) Wright. Family law: support.

Existing law relating to the enforcement of judgments provides that if the judgment is for child support and money is owing and unpaid to the judgment debtor by a state agency as a result of overpayment of a personal income tax penalty or interest, or interest allowable with respect to an overpayment, a district attorney may present the claim or claims, as specified

Existing law requires a judgment creditor to file a certified copy of the judgment for child support with the State Department of Social Services. Upon filing of the certified copy, the Controller is required to transfer the funds claimed by the judgment debtor, notwithstanding that the claim has been filed with another state agency. Existing law also specifies methods to discharge the claim of a judgment debtor in cases where the judgment is for child support and the money owed is a refund of overpayment of taxes, penalty, interest, or interest allowable with respect to an overpayment, as specified.

This bill would expand the area relating to support judgments by deleting the reference to child.

Existing law requires the Director of Social Services to annually submit a report to the Legislature on the administration of the state plan for securing child support and determining paternity.

This bill would eliminate this requirement.

Existing law provides that the district attorney in each county shall attempt to collect child support owed by noncustodial parents to custodial parents receiving public assistance, as well as when requested to do so on behalf of a child not receiving public assistance.

Existing law also provides that, pursuant to a state plan, the district attorney's office in each county shall have responsibility for enforcing spousal support orders in cases involving a spouse who is receiving public assistance.

This bill would create a state-mandated local program by expanding the district attorney's responsibility to include those spousal support cases involving custodial parents not receiving public assistance, but would specify that the district attorney's responsibility under the state plan applies only to spousal support orders included in child support orders.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement

is required by this act for a specified reason.

Ch. 1008 (AB 2002) Alatorre. Medi-Cal nonemergency medical transportation services.

Existing law provides that, once the State Department of Health Services has established equipment and personnel standards concerning nonemergency medical transportation services under the Medi-Cal program, various provisions restricting local governmental authority in this respect will become operative.

This bill would delete this prerequisite of departmental standards.

Ch. 1009 (AB 2038) Cortese. General plans. court actions and proceedings.

(1) Existing law generally requires each county and city to adopt a comprehensive long-term general plan for the physical development of the county or city. Existing law requires the inclusion of various elements in the general plan and permits the inclusion of other elements. Among the elements required to be included in the general plan is a seismic safety element consisting of an identification and appraisal of seismic hazards and an appraisal of mudslides, landslides, and slope stability; a safety element for the protection of the community from fires and geologic hazards; a noise element; and a scenic highway element for the development, establishment, and protection of scenic highways.

This bill would delete the requirement that a city or county adopt both a seismic safety element and a safety element and would, instead, require a city or county to adopt a safety element generally containing the same information which existing law requires to be included in the seismic safety element and the safety element. The bill would revise the type of information required to be included in the noise element and would delete the requirement that a scenic highway element be included in the general plan. By imposing these requirements, the bill would impose a state-mandated local program.

(2) Existing law specifies the procedure to be followed by a city or county to adopt a general plan.

This bill would revise that procedure.

(3) Existing law requires local agencies to hold public hearings on various proposed actions relating to planning, zoning, and subdivision matters and to give notice of those hearings in a specified manner.

This bill would revise and consolidate the requirements relating to the manner of giving notice of those hearings. The bill would impose a state-mandated local program by requiring the local agency to mail notice of those hearings to any person who has filed a request with the clerk of the governing body for that notice but would permit the local agency to charge a fee for providing this service, as specified.

(4) Existing law contains various provisions authorizing local agencies to adopt specific plans based on the general plan. Existing law specifies the information required to be included in specific plans, the procedure to be followed for adopting specific plans, and contains provisions relating to the administration of specific plans.

This bill would repeal those provisions and would enact other provisions governing the content of, and the procedure for the adoption of, specific plans.

(5) Existing law also requires the general plan to include a housing element containing certain information; required each city, county, or city and county to bring its housing element into conformity with the requirements imposed by state law on or before October 1, 1981; and specifies that the test to be applied by a court in determining whether the housing element is in compliance with the requirements of existing law extends to whether the element is in reasonable compliance with those provisions.

This bill would, instead, specify that the test to be applied by a court in making that determination is whether the housing element substantially complies with the requirements imposed by existing law.

(6) Existing law contains a Model Integrated Local Planning Act and a District Planning Law.

This bill would repeal those provisions.

(7) Existing provisions of the Subdivision Map Act permit the legislative body of a city or county to require the dedication of land, the payment of fees, or both, for neighborhood park or recreational purposes, or the dedication of land for fire stations, libraries, or other public uses, as a condition to the approval of a tentative map or parcel map,

if certain requirements are satisfied. Among other requirements, there is a requirement that the legislative body have adopted a general plan containing a recreational element and a public building element.

This bill would, instead, require that the legislative body have adopted a general plan containing policies and standards for those uses.

(75) The bill would make conforming changes in various other provisions of law.

(8) This bill would incorporate additional changes in Section 66477 of the Government Code, as proposed by SB 571, to be operative only if both bills are enacted and amend Sections 66477 and this bill is enacted after SB 571.

(9) The bill would contain a severability clause

(10) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1010 (AB 2890) Young Property taxation. change in ownership.

Existing law provides for the reassessment of real property whenever changes in ownership occur. Existing law also specifies what types of transfers of real property shall not be deemed to be a change in ownership.

This bill would provide that a change in ownership shall not include a transfer of an eligible dwelling unit, as defined, whether by will, devise, or inheritance, from a parent or parents, or a legal guardian or guardians to a child, children, ward, or wards if the transferees are disabled, as specified, have resided in the eligible dwelling unit for a prescribed period preceding the transfer, and have income, together with income of specified family members, below a specified maximum.

This bill would provide that its provisions are applicable to the 1984-85 fiscal year and fiscal years thereafter with respect to the establishment of base-year values for the 1984-85 fiscal year for any change in ownership occurring on or after March 1, 1975. However, the bill would provide that no escape assessments shall be levied and no refunds shall be made for any fiscal years prior to 1984-85 fiscal year for increases or decreases in value made for the 1984-85 fiscal year or fiscal years thereafter as the result of the bill's provisions.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by requiring assessors to reassess real property for the 1984-85 fiscal year in conformity with the bill's provisions.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

Ch. 1011 (AB 2481) Connelly Juveniles

Existing law provides that in any case in which a minor is referred to a probation officer by a school because of an act of school violence, the probation officer shall notify that school of the status, progress, and final action in the case, as specified.

This bill would repeal that provision.

Under existing law, a petition filed in any juvenile court proceeding, and related reports and documents, are confidential and may be inspected and made available only to specified persons in specified instances, or pursuant to court order. A district attorney may notify the appropriate school superintendent of the filing of a petition in certain narcotics or controlled substance cases within 48 hours.

This bill would delete the provision relating to notification of a school superintendent by a district attorney in narcotics or controlled substance cases, and would provide that written notice that a minor attending a public school in kindergarten or grades 1 through

12 has been found by a court to have committed any of specified crimes, shall be provided by the court, within 7 days, to the superintendent of the school district of attendance and transmitted to each teacher, counselor, or administrator with direct responsibility over the minor, as specified. It would require the information received from the court to be destroyed 12 months after the return of the minor to school, as specified.

The bill would impose a state-mandated local program by imposing notification requirements upon courts and new duties on school authorities, and by creating a new crime of intentional violation of the confidentiality provisions.

Article XIII B of the California Constitution and Section 2231 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. The statutory provision also specifies the manner for paying this reimbursement and requires any statute mandating these costs to contain an appropriation to pay for the costs in the initial fiscal year.

This bill would appropriate \$5,000 to the Controller for allocation and disbursement to school districts for costs mandated by the state and incurred by them pursuant to this act.

The bill would provide that no appropriation is made to and no reimbursement is required for local agencies by this act for specified reasons.

The bill would incorporate additional amendments to Section 827 of the Welfare and Institutions Code proposed by AB 2708 contingent upon the enactment of both bills and this bill being enacted last

This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1991, the provisions contained in the bill for which state reimbursement is required.

Ch. 1012 (AB 2634) Alatorre Liability: review committees.

Existing law provides that there shall be no monetary liability on the part of and no cause of action for damage against a member of a peer review committee whose purpose is to review the quality of medical, dental, dietetic, or veterinary services rendered by specified professionals, which committee is composed chiefly of those professionals, for any act or proceeding undertaken or performed in reviewing the quality of services, if the committee acts without malice, has made a reasonable effort to obtain the facts, and acts in reasonable belief that the action is warranted.

This bill would extend that immunity to chiropractic and optometric peer review committees

Existing law provides that there shall be no monetary liability on the part of, and no cause of action for damages against a physician or podiatrist who is a member of an insurance underwriting committee, as specified, for any act or proceeding undertaken or performed in evaluating physicians or podiatrists for insurance, if that person acts without malice and has made a reasonable effort, as specified.

This bill would extend that immunity to chiropractor members of underwriting committees with respect to the evaluation of chiropractors

This bill also makes additional changes proposed by AB 4009, to be operative only if AB 4009 and this bill are both chaptered and become effective on January 1, 1985, and this bill is chaptered after AB 4009.

Ch. 1013 (AB 2637) Kelley. Avocados.

(1) Existing law establishes the Avocado Inspection Committee in the Department of Food and Agriculture with a specified membership and duties

This bill would authorize the committee to recommend to the Director of Food and Agriculture that avocados subject to weather-related damage not be harvested for a specified period of time and would authorize the director to take that action. The bill would also require the director to adopt specified regulations which govern the committee's recommendation.

(2) Existing law defines "distributor" for purposes of the law relating to the California Avocado Commission.

This bill would state that the term "distributor" does not include a cooperative bargaining association, as specified, for the purposes of this law

(3) Under existing law, the commission consists of 15 members, 5 of whom are pro-

ducers affiliated with any agricultural cooperative handling avocados.

This bill would require a person nominated for election as a cooperative producer to sign a sworn statement that he or she marketed at least 75% of his or her fruit through cooperative handlers in the preceding crop year.

(4) Existing law authorizes the commission to educate and instruct the wholesale and retail trade with respect to proper methods of handling and selling avocados and to make market and inventory surveys and analyses.

This bill would, until January 1, 1987, require the commission to collect and disseminate market price information, as specified.

(5) Existing law bases the maximum assessment for support of the commission on the gross dollar value of sales by all producers to handlers.

This bill would specify that the sales of avocados includes sales by handlers on behalf of growers.

(6) Existing law requires a periodic referendum by producers to reapprove the law relating to the commission.

This bill would revise the conditions under which the laws relating to the commission shall be approved pursuant to that referendum

Ch. 1014 (AB 2893) O'Connell. Abalone.

(1) Existing law prohibits the taking of any abalone, the shell of which is less than specified greatest diameters. Existing law also prescribes areas in the state where abalone may be taken for commercial purposes and requires a permit for that taking, as specified. Existing law also prohibits taking of abalone for commercial purposes in specified fish and game districts and in waters less than 20 feet in depth in other areas.

Existing law also authorizes the use of diving apparatus to take abalone, except black abalone in specified areas, in waters not less than 20 feet in depth in, among other places, District 19. Violations of the laws regulating abalone are crimes.

This bill would impose a state-mandated local program by extending that prohibition on taking undersized abalone to include possessing, selling, or purchasing them. The bill would reduce the minimum diameter of red, green, and pink abalone and specify the maximum number of abalone of those species that may be possessed, landed, or controlled, and make these provisions operative only when specified regulations of the Fish and Game Commission are certified by the Director of Fish and Game to be in effect.

The bill would revise the prohibition on areas where abalone may be taken for commercial purposes, as specified, would revise the restrictions on use of diving apparatus in Districts 10, 18, 19, 20, and 20A, as specified, and would permit taking black abalone in waters less than 20 feet in depth near Santa Barbara Island, as specified.

The bill would also permit taking of black abalone near Anacapa, Santa Cruz, and Santa Rosa Island, as specified.

(2) Existing law permits the use of rakes, airlifts, or other handheld appliances to take sea urchins subject to the regulations of the commission.

This bill would require a permit to use those appliances to take sea urchins.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1015 (AB 2916) Wright. Vehicle entry mountain fire district

(1) Existing law makes it an infraction to operate a vehicle in violation of special regulations governing access to public lands, which have been promulgated by the governmental agency having jurisdiction over those public lands.

This bill would impose a state-mandated local program by prescribing special penalties for violation of a local ordinance adopted by a city with a population of over 2,000,000 prohibiting entry into an area designated as a mountain fire district. The bill would generally treat the offense as an infraction punishable by a fine not exceeding \$150. For a second offense within a year, the maximum fine would be \$250. For a third or subsequent violation within a year, the offense would be a misdemeanor punishable by a

maximum \$1,000 fine or a maximum county jail term of 90 days, or both. Additionally, the bill would authorize the court to impound the vehicle involved in the offense for 1 to 30 days if the defendant is the owner and the vehicle is subject to identification as an off-highway vehicle.

(2) The bill would incorporate additional changes in Section 40000.24 of the Vehicle Code proposed by SB 1476, to be operative if both bills are enacted and this bill is enacted last.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1016 (AB 3008) Davis. Trademarks: counterfeit or imitation goods.

Existing law authorizes the owner of a trademark or service mark registered under California law to commence an action for an injunction against the manufacture, use, display, or sale of counterfeit goods; requires the court to order the defendants to pay up to 3 times their profits, and up to 3 times all damages incurred as a result of that wrongful conduct; empowers the court to order seizure of the alleged counterfeit goods, upon motion or ex parte application therefor, and upon a showing of good cause and probability of success on the merits, and upon the posting of an undertaking, and authorizes the court to order the destruction of all means of making the particular counterfeit goods or, in lieu of ordering the counterfeit goods destroyed, to order their disposal by delivering them to the state, an eleemosynary institution, or the owner of the registered service marks or trademarks.

This bill would provide criminal penalties for the willful manufacture or intentional sale of counterfeit goods, except as otherwise provided, thereby imposing a state-mandated local program

Existing law establishes an exception to certain enforcement provisions if a party has adopted and lawfully used the same or a confusingly similar service mark in the rendition of like services from a date prior to the effective date of registration of the service mark

This bill would establish an additional exception as to trademarks in the manufacture or sale of like goods.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1017 (AB 3085) Harris Estates administration

Existing law provides that proof or acknowledgment of an instrument may be made outside of the United States before a notary public, provided that proof or acknowledgment of the notary's signature is made before a judge of a foreign court of record or by the means provided for in The Hague Convention Abolishing the Requirement of Legalization of Foreign Public Documents.

This bill would also authorize the means of proof or acknowledgment of the notary's signature to be made before certain diplomatic personnel of the United States

Existing law prescribes the permissible types of investments for trust funds by a trustee.

The bill would additionally authorize a trustee, in accordance with an instrument containing provisions requiring or authorizing investment in government obligations, to invest in, and hold obligations either directly or in the form of interest in, a money market mutual fund registered under the Investment Company Act of 1940 or a collective trust fund investment, as specified, the portfolios of which are limited to United States government obligations maturing not later than 5 years from the date of invest-

ment or reinvestment, as specified.

Existing law authorizes the executor or administrator who has been granted authorization to administer the estate without court supervision, unless restricted by the will, to have certain prescribed powers, but does not expressly authorize the executor or administrator power to grant an exclusive right to sell property for a period not to exceed 90 days, where necessary and advantageous to the estate.

This bill would grant such power to the executor or administrator.

Existing law authorizes an interested person to contest the accounting of an estate by the executor or administrator, upon written exception thereto filed with the court, which contest may include objecting to the values of assets shown on the inventories and appraisements filed in the proceedings if a certificate of no inheritance tax is filed.

This bill would authorize an interested person to object to the value of those assets shown without such a certificate and would delete obsolete references relating to the state inheritance tax.

Existing law provides that if an action is pending against a decedent at the time of his or her death, the plaintiff must file a claim therefor in the same manner as other claimants against the estate. Existing law authorizes an extension of time for a claimant to file such a claim against a decedent if the claimant can show that neither he nor she nor their attorney had actual knowledge of the decedent's death at least 15 days prior to the expiration of the prescribed period in which to file or present the claim. This extension may be granted upon the claimant's petition and notice of hearing given to specified persons, as specified.

The bill would, in the above plaintiff's claim against an estate provisions, revise the cross-reference to notice of hearing provisions and would make conforming and clarifying changes in provisions dealing with the manner of giving notice in certain instances.

This bill would incorporate additional changes in Section 1200.5 of the Probate Code proposed by AB 2270 (Ch. 451, Stats 1984).

Ch. 1018 (AB 3115) Wyman. Unemployment Insurance.

Existing law establishes the School Employees Fund from which moneys are paid for unemployment compensation benefits and administrative costs, and provides for school employer contribution rates, local experience charges, and penalties, as specified.

This bill would make specified changes in the method of calculating local experience charges and the rate of interest to be paid on delinquent charges. This bill would also provide in certain circumstances for a specified credit to school employers for interest deposited in or earned by the School Employees Fund.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would create a state-mandated local program by changing the method of computing local experience charges levied against public school employers.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1019 (AB 3173) Seastrand State publications and services.

Existing law changes the name of the Department of Economic and Business Development to the Department of Commerce and sets forth the responsibilities of the department which include, among other things, coordinating federal, state, and local relationships in economic development, continually evaluating the impact of policies and programs affecting economic development, and encouraging the full utilization of programs available for assisting the residents of the state and local public entities in satisfying the economic development needs of the state.

In addition, the department has the responsibility of responding to inquiries and providing statistics and other information on the economy, visitor attractions, and international trade, products, and processes.

This bill also would authorize the department to charge fees, as specified, to cover the costs of providing publications, as defined, except for publications distributed to certain libraries, as specified.

In addition, the bill would authorize the department to adopt and enforce rules and regulations in order to implement its responsibilities and would make technical, nonsubstantive changes.

Ch. 1020 (AB 3248) Katz. Taxation interest on various taxes

Existing provisions of law governing sales and use taxes, motor vehicle fuel license taxes, use fuel taxes, insurance taxes, cigarette taxes, alcoholic beverage taxes, energy resource surcharge taxes, emergency telephone users surcharge taxes, hazardous substance taxes, and universal telephone service taxes provide that the rate of interest paid on underpayments, deficiencies, other delinquent payments, overpayments, and refunds is an adjusted annual rate determined semiannually on the basis of the adjusted prime rate charged by banks.

This bill would substitute a modified adjusted rate for the adjusted annual rate in connection with those provisions equal to the adjusted annual rate plus 3%. The bill would also provide for a modified adjusted rate on a per month or fractional month basis.

The bill would also make unrelated technical nonsubstantive changes

This bill would become operative on July 1, 1985

Ch. 1021 (AB 3268) Vicencia. Motor vehicles: livestock feed.

(1) With enumerated exceptions, existing law generally requires vehicles operated, moved, or left standing on a highway to be registered. Existing law also limits the width of most vehicles, with certain exceptions, to 102 inches

This bill would exempt from registration any motor vehicle which is designed for, and used exclusively to, haul feed for livestock and which is owned and operated exclusively by a farmer or an employee of a farmer. The bill would permit the exempted vehicle to be operated on locally maintained highways pursuant to a special permit for oversize or overweight vehicles or for certain other vehicles otherwise precluded from using the highways, for not more than 5 miles one way from property owned, leased, or controlled by the farmer to other property owned, leased, or controlled by the farmer, but the exemption from registration in the bill would not apply to transportation for compensation. The bill would permit a vehicle exempt under the bill to be up to 120 inches in width, unless operated during darkness

(2) The bill would incorporate changes in Section 36102 of the Vehicle Code proposed by AB 3585 if both bills are enacted and this bill is enacted last. These changes would become operative July 1, 1985.

Ch. 1022 (AB 3289) Calderon. School districts: governing board members: compensation

(1) Existing law permits the county board of supervisors to allow to each member of the county board of education as compensation an amount not less than \$10, nor more than \$40, per meeting actually attended, for a maximum of 3 meetings

This bill would increase that compensation to not less than \$20, nor more than \$80, per meeting actually attended, for up to 5 meetings.

(2) Existing law establishes the amount of compensation which each member of a city board of education or a governing board of a school district may receive for his or her services, based upon the average daily attendance of the school district for the 1963-64 school year in some instances, and that for the 1972-73 school year in others.

This bill would change the designated base school year for purposes of determining the permissible amount of compensation for a governing board member to the 1982-83 school year, and would increase the permissible amounts of compensation, as specified. The bill would also establish a maximum permissible amount of compensation of \$60 per month for board members in districts which had less than 150 average daily attendance in the 1982-83 school year

Ch 1023 (AB 3293) Clute. Elections. campaign statements.

Under existing law, a candidate for election to the governing body of a district is required to file a campaign statement pursuant to the Waxman-Dymally Campaign Disclosure Act. However, that act was repealed by Chapter 160 of the Statutes of 1981.

This bill would repeal this filing provision.

This bill also makes various technical changes relating to elections.

Ch. 1024 (AB 3331) Johnston. Schools: work experience education.

(1) Existing law prescribes the minimum schoolday for pupils enrolled in junior high and high schools. Existing law specifies that the minimum day in a special day or Saturday vocational training program and for pupils enrolled in a work experience education program is 180 minutes.

This bill would specify that the minimum schoolday for special day or Saturday vocational training programs and work experience education programs is four periods totaling at least 180 minutes in duration.

(2) Existing law authorizes the governing board of any school district maintaining a high school to establish work experience education programs in accordance with prescribed requirements.

This bill would require the governing board of any school district offering work experience education programs to grant credit to pupils satisfactorily completing the program in an amount not to exceed 40 semester credits, of which no more than 10 credits may be conferred in any one semester, provided the pupil meets prescribed minimum requirements

(3) Existing law requires the State Board of Education to adopt standards for work experience education, including, but not necessarily limited to, prescribed criteria

Existing law requires the State Department of Education to adopt rules and regulations necessary to implement the standards set by the State Board of Education for work experience education.

This bill would revise these provisions of existing law to refer to the standards set for work experience education by the Superintendent of Public Instruction

This bill would require the Superintendent of Public Instruction to adopt standards for district plans for work experience programs required pursuant to specified provisions of current law. This bill would require the adopted standards to include, but would specify that these standards shall not be necessarily limited to, prescribed criteria for the adopted standards.

Ch 1025 (AB 3419) Molina. Drug programs.

Under existing law, narcotic and drug programs are required to register with the county drug program coordinator. Drug programs are defined to include prescribed free clinics

This bill would provide that free clinics for the purposes of these provisions include certain licensed primary care clinics that are operated by tax-exempt, nonprofit corporations

Ch 1026 (AB 3429) Bane. Salvage vehicles.

(1) Existing law generally requires insurers, when making a total loss settlement on a total loss salvage vehicle, to forward the endorsed certificate of ownership or other evidence of ownership and a \$3 fee to the Department of Motor Vehicles, which issues a salvage certificate for the vehicle. This requirement is not applicable, however, if the owner retains possession of the vehicle. Owners retaining possession of such a vehicle, after making a total loss settlement with an insurer, are required to provide specified notice of indicia of ownership to the department, if the value of the vehicle was more than \$1,000 immediately prior to its becoming a total loss salvage vehicle. Owners of vehicles worth \$1,000 or less immediately prior to becoming a total loss salvage vehicle are exempt from these requirements.

This bill would require insurers in those cases, and regardless of vehicle value, to notify the department of the owner's retention and to notify the insured of the obligation to obtain a salvage certificate from the department, as specified. The bill would delete the above exemption for owners of vehicles worth \$1,000 or less immediately prior to becoming a total loss salvage vehicle

(2) Existing law does not require the owner of a total loss salvage vehicle for which no insurance settlement is received to notify the department of the loss, if the vehicle's value before the loss was \$1,000 or less.

This bill would require vehicle owners in those cases to forward specified indicia of ownership and a \$3 fee to the department within 10 days of the loss. The bill would specifically make these requirements applicable to the owner of a total loss salvage vehicle who is a self-insurer

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school

districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

Since a violation of the requirements that would be imposed by this bill would be an infraction or a misdemeanor, the bill would impose a state-mandated local program.

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1027 (AB 3505) Costa. Water dam safety regulation: Colorado River Board Members.

(1) Existing law excludes from the requirements for state regulation and supervision of safety of dams, any waste water treatment and storage pond constructed as a part of a regional waste water control facility within Sonoma County, having a maximum height of 15 feet or less and a maximum storage capacity of 1,500 acre-feet or less, subject to adoption by the governing body of the entity operating the facility of a specified resolution.

This bill would delete the restriction to Sonoma County and the requirement that the ponds be part of a regional facility. The bill would, in addition, require that the ponds have been designed by, and constructed under the supervision of, a registered civil engineer and are not across a stream channel or watercourse.

(2) Until July 1, 1985, existing law provides for 8 members on the Colorado River Board and 7 members after that date.

This bill would make the requirement for 8 members permanent.

Ch. 1028 (AB 3570) D Brown. Authorized emergency vehicles.

Existing law provides for the designation of certain types of vehicles used in law enforcement, fire fighting, and emergency medical care as "authorized emergency vehicles." These vehicles may utilize special lighting, use sirens, and are exempt from certain traffic laws.

This bill would authorize the operation of vehicles of a privately owned licensed ambulance operator used exclusively to transport medical supplies, lifesaving equipment, or personnel to the scene of an emergency as emergency vehicles. For these purposes, the vehicles would be required to display signs or lettering identifying the operator, as specified.

Ch. 1029 (AB 3661) Filante. Long-term health care facilities. self-help skills.

(1) Existing law does not require that every long-term health care facility make available to the residents of the facility an activity program, in accordance with a patient activity plan developed by the facility, which includes, but is not limited to, certain self-help skills. The attending physician is not now required to approve a plan of this type for each patient at least quarterly as not being in conflict with the patient's treatment plan.

This bill would make these requirements.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill creates a state-mandated local program because it would require local agencies which operate long-term health care facilities to provide the activity program to facility residents and physician approval required by this bill.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1030 (AB 3885) Molina. Community redevelopment.

(1) Under existing law, provision is made for providing housing for low- and moderate-income housing out of tax-increment funds received by a community redevelopment agency.

This bill would define "area median income" for purposes of providing assistance to mortgagors participating in a homeownership residential mortgage revenue bond pro-

gram, a home financing program, or a financial program implemented by the California Housing Finance Agency, as specified. The bill would create a state-mandated local program by requiring that information on the loan program be included within a report by community redevelopment agencies

(2) Under existing law, whenever a redevelopment project causes the destruction or removal of dwelling units from the low- and moderate-income housing market, the community redevelopment agency is required to replace them

This bill would permit agencies to provide up to 2 dwelling units for each one destroyed or removed.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(4) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch 1031 (AB 3924) McClintock. Family day care homes: mandatory liability insurance.

Existing law does not require family day care homes for children to have liability insurance or a bond covering injury to clients and guests

This bill would require family day care homes for children to either maintain this insurance or bond in a specified aggregate amount or to maintain a file of affidavits, signed by each parent with a child in the home, as specified. The bill would require the State Department of Social Services to initiate proceedings to revoke the license of any facility out of compliance with this requirement.

Ch 1032 (SB 1482) Lockyer. Private industry councils: conflicts of interest

Existing law provides that each county shall establish a private industry council to assure a more cooperative relationship between government and the private sector. These councils have enumerated duties, and notwithstanding conflict-of-interest provisions prohibiting financial interests in contracts made in their official capacities and the general conflict-of-interest provisions of the Political Reform Act of 1974, their members, including public officials of state and local governments, may vote on any matter before the council, except those having a direct bearing on services to be provided by the member voting or which would financially benefit the member voting or any business or organization the member directly represents.

This bill would delete the provision exempting public officials of state and local governments from the above conflict-of-interest provisions of the Political Reform Act of 1974

This bill would also allow a member of a community development district board to vote on any matters before the board except those which have a direct bearing on services to be provided by that member or which would financially benefit the member or any business or organization the member directly represents.

Ch. 1033 (SB 1582) Rosenthal. Water.

(1) Existing law defines "bottled water" for purposes of the laws regulating that product.

This bill would redefine "bottled water" to conform to the new requirements proposed by this bill

(2) Existing law requires the State Department of Health Services to adopt and enforce the regulations it determines are reasonably necessary to insure that all bottled water which is sold or otherwise distributed in this state is pure, wholesome, and potable and without danger to the lives or health of human beings. Among other things, these

regulations are required to include quality standards of bottled water which are required not to be less stringent than the standards prescribed by specified provisions of the Code of Federal Regulations

This bill would change the reference to the Code of Federal Regulations which formerly related to drinking water standards, to a reference to bottled water standards contained in the Code of Federal Regulations. It would also authorize the department to include in the quality standards any additional standards that the department determines are reasonably necessary to protect public health and safety. Violation of these quality standards would be a misdemeanor, and this bill would, therefore, constitute a state-mandated local program. The bill would also make the provisions apply to vended water. The bill would also permit a local health officer to enforce the provisions relating to water vending machines by agreement with the State Department of Health Services.

(3) Existing law prohibits any person from operating a water-bottling plant in this state, except pursuant to a license issued by the department. It also provides for an out-of-state bottler's and distributor's license and a license to own or operate any water-vending machine. It requires the department to charge and collect a prescribed fee for each license issued.

This bill would, instead, require the department to charge and collect the prescribed fee for each license applied for.

(4) Existing law does not expressly provide for the denial, revocation, or suspension of a water-bottling plant license.

This bill would specifically authorize the department to deny any license application or to revoke or suspend any license for cause, and would require the department to inform the person of denial, revocation, or suspension in writing.

(5) Existing law does not prescribe requirements relating to the testing of bottled water.

This bill would require that the department require each bottler, distributor, or vendor of bottled water, each owner or operator of any water-vending machine, and each applicant for a license to make specified tests, and would authorize the department to require them to make other specified tests.

(6) Existing law does not prescribe requirements for information to be provided on containers of bottled water and water-vending machines.

This bill would require each container of bottled water sold in this state and each water-vending machine located in this state to provide prescribed information. Violation of this requirement would be a misdemeanor and this bill would, therefore, constitute a state-mandated local program.

(7) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1034 (SB 1629) Petris. Insurance home protection companies.

Existing law, with respect to home protection companies, provides that until the repeal of the provision on September 1, 1985, the waiver or forgiveness of a marketing fee otherwise payable by a franchised real estate licensee under the terms of its franchise agreement is not unlawful where pursuant to the franchise agreement the waiver or forgiveness occurs in the event the franchisee markets or sells a home protection contract issued by the franchisor or its parent, subsidiary, or affiliate. The provisions of existing law apply only with respect to the waiver or forgiveness of a marketing fee otherwise payable by a franchised real estate licensee under the terms of a franchise agreement where, as of July 1, 1981, the franchise agreement form provided for the waiver or forgiveness of a marketing fee in the event the franchisee markets or sells a home protection contract issued by the franchisor or its parent, subsidiary, or affiliate. Existing law also requires a disclosure statement to be presented in writing to any person offered a home protection contract, as specified.

This bill would recast the required disclosure statement and extend the date of repeal until December 31, 1985.

Ch. 1035 (AB 3066) Hayden. Motion Picture Council.

Existing law provides for the Motion Picture Council.

This bill would require the council to submit an annual report, by December 31, to the Governor and to the Legislature containing, but not limited to, specified items of information

This bill would state various legislative findings and declarations relative to the entertainment industry.

Ch. 1036 (AB 3246) N Waters. Rancho Murieta Community Services District: Golden West Community Services District.

(1) Under existing law, a community services district may sue and be sued in its own name, but generally may not, with certain express exceptions, enforce covenants, conditions, and restrictions adopted for each tract in the district and assume and perform the duties of the architectural control committee for each tract.

This bill would authorize the Rancho Murieta Community Services District and the Golden West Community Services District to enforce those covenants, conditions, and restrictions and perform those architectural control duties. It would, however, permit the district to exercise the duties of an architectural control committee for any tract only to the extent authorized by the covenants, conditions, and restrictions applicable to the tract.

(2) Existing law does not generally authorize a community services district, with certain exceptions, to provide television services or telecommunication services, or to provide for the generation of hydroelectric power.

This bill would authorize the Rancho Murieta Community Services District to engage in those activities.

(3) The bill would permit the question of whether those districts may continue to exercise those powers to be submitted to the voters of the district at the next general election and, if the proposition is not approved by a majority of the voters of the district voting on the proposition, would provide that the authority granted to those districts by the bill shall have no further force or effect.

(4) The bill would make legislative findings and declarations with regard to the need for a special law applicable to the Rancho Murieta Community Services District and the Golden West Community Services District.

Ch 1037 (AB 3263) Bane. Schools for traffic violators

(1) Existing law authorizes the courts to require persons convicted of traffic violations to attend prescribed instruction at a school for traffic violators or a licensed driving school and requires the State Department of Motor Vehicles, in cooperation with the Department of Education, to establish standards for accrediting instruction provided by licensed driving schools and traffic violator schools to persons whose attendance is ordered by a court. Existing law also requires the Department of Motor Vehicles to publish a list of schools accredited by it for this purpose and transmit copies of the lists to municipal and justice courts.

This bill would delete the general authorization for courts to order convicted traffic violators to attend these schools and would instead authorize courts to order people to attend these schools in lieu of adjudicating a charged traffic offense if the defendant consents. The bill would permit the person subject to such an order to select the school he or she will attend, except in counties where any court (or the county on behalf of any court) has, prior to January 1, 1985, contracted for the provision of instruction to traffic offenders subject to pretrial diversion. In these counties, the bill would authorize courts or the county to contract with an independent administrator to administer contracts with schools providing instruction to traffic violators referred by the courts. The bill would repeal the provisions on accreditation of schools for traffic violators and would enact a comprehensive scheme for licensing traffic violator school owners and instructors. The bill would impose a state-mandated local program by making it an infraction to own or conduct a school for traffic violators or give instruction for compensation in such a school without a license. The bill would authorize the department to contract with a nongovernmental entity for administration of the licensing provisions, as specified

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases,

for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 1038 (AB 3565) Sher. Hazardous substances: underground storage.

(1) Existing law regulates, generally, the storage of hazardous substances in underground tanks and exempts from the definition of "underground storage tank" tanks used for specified purposes.

This bill would define "tank" for these purposes. The bill would additionally exempt from the definition of "underground storage tank" a tank which holds 1,100 gallons or less, is located at a residence, and stores home heating fuel.

(2) Existing law imposes a one-time \$5 surcharge, until June 30, 1984, on each tank permitted pursuant to these provisions.

This bill would repeal the obsolete provision imposing that surcharge.

(3) Existing law exempts underground storage tanks for motor vehicle fuel storage installed after January 1, 1984, from certain design and construction standards, if the tank either has a specified primary containment construction material and a leak monitoring system or if the tank has a pressurized piping system which is monitored

This bill would require that such an exempt tank, with a monitored pressurized piping system, also have the specified primary containment construction material and a leak monitoring system

(4) Existing law requires owners of underground storage tanks which were installed on or before January 1, 1984, to outfit the tanks with a monitoring system by January 1, 1985.

This bill would extend the date by which the tanks are required to be so outfitted to July 1, 1985

(5) Existing law requires that an underground storage tank installed after January 1, 1984, which is open to rainfall, have a secondary containment which can accommodate a specified volume of rainfall determined by a 100-year storm history

This bill would instead require the volume of rainfall to be determined by a 25-year storm history

(6) Existing law authorizes the permitholder of an underground storage tank which contains motor vehicle fuel not under pressure to repair the tank, after a specified unauthorized release from that tank, with an interior-coating process if the tank meets specified requirements, including the conducting of a vacuum test

This bill would additionally include another type of unauthorized release after which the tank may be so repaired and would instead require the vacuum test to be conducted following the repair

(7) Existing law requires a local agency which has enacted a specified ordinance prior to January 1, 1984, and is exempted from these provisions, to submit certain forms and notices to the State Water Resources Control Board.

This bill would require these exempted local agencies to submit to the board a surcharge to be used, upon appropriation, for administering these provisions

(8) Existing law requires that unauthorized releases which the operator can clean up within 8 hours, and which meet specified requirements, be recorded on the monitoring reports. Existing law requires that an unauthorized release which escapes from the secondary containment be reported, as specified.

This bill would require that an unauthorized release be so recorded if the operator is able to clean up the release within 8 hours after the release was detected, or should reasonably have been detected. The bill would also require that unauthorized releases which escape from the primary containment, if no secondary containment exists, be reported, as specified.

(9) Existing law authorizes a permitholder or permit applicant to apply to the board for a categorical variance from specified standards required for underground storage tanks.

This bill would specify that a categorical variance is an alternative procedure applicable to more than one local agency jurisdiction. The bill would require the variance to prescribe the conditions which the applicant is required to maintain and would authorize the board to modify or revoke the variance upon a specified finding.

(10) Existing law authorizes a permitholder or permit applicant to apply to the

regional water quality control board for a site-specific variance.

This bill would specify that a site-specific variance is an alternative procedure applicable in one local agency jurisdiction.

(11) Under existing law, before applying for a site-specific variance, the applicant is required to contact the local agency and, if the local agency decides that a variance would be necessary to approve a proposal, the applicant is allowed to proceed with the variance application.

This bill would instead provide that, if the local agency determines that a site-specific variance is required, the applicant may proceed with the application.

(12) Existing law requires the local agency to decide, within 30 days after completing specified documents, whether to join the applicant in the site-specific variance application and prohibits the regional board from holding a hearing upon the application until after this period expires.

This bill would instead require the regional board to hold a public hearing within 60 days after the specified documents are completed.

(13) Existing law requires that a description of the proposed alternative method or process be included in the notification of, and request to join, the variance application submitted to the local agency and the city, county, or city and county, and be included in the application submitted to the regional board.

This bill would repeal that requirement.

(14) Existing law requires the board to complete a study by January 1, 1985, on the necessity of applying the requirements for underground storage tanks to certain structures exempt from these provisions.

This bill would extend the deadline for this study to July 1, 1985.

(15) The bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(16) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by requiring that cities, counties, and districts operating underground storage tanks for motor vehicle fuel storage equipped with a monitored pressurized piping system provide the tanks with additional equipment and by expanding the types of unauthorized releases which are required to be reported to the local agency.

The bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

Ch. 1039 (SB 2139) L. Greene. General plans: court actions and proceedings

(1) Existing law generally requires each county and city to adopt a comprehensive long-term general plan for the physical development of the county or city. Existing law specifies that the test to be applied by a court in actions challenging the validity of the general plan or any element of the general plan extends to whether the element conforms with those provisions.

This bill would, instead, specify that the test to be applied by a court in making that determination is whether the general plan or any mandatory element of the general plan substantially complies with the requirements imposed by existing law.

(2) Existing law contains provisions generally restricting the authority of a court to grant certain forms of relief in actions to challenge the validity of the general plan of a city or county. Among other things, those provisions of existing law: (1) contain legislative findings with respect to the effect of court actions challenging the validity of general plans on housing development; (2) require that court actions challenging a general plan be given preference over all other civil actions before the court in setting those actions for hearing or trial and require the petitioner to request a hearing on the action within 90 days of filing the action; (3) specify the relief which may be granted

by the court during the pendency of, or upon a determination of, any particular case; and (4) require the court to make a determination with respect to any temporary relief to be granted within a specified period of time

This bill would (1) delete those legislative findings; (2) permit any other party to request a hearing or trial on the action within 90 days of the date the petitioner files the action, and establish procedural requirements respecting the granting of a hearing or trial and any continuances, as specified; (3) require a court to exclude from its remedial order or judgment certain actions, programs, or projects if the court makes a specified determination, and (4) recast the provision relating to the granting of temporary relief by a court.

(3) Existing law requires a court to consider all relevant factors in determining whether a housing development will have an impact on the ability of a city, county, or city and county to adopt an adequate housing element. Existing law creates a conclusive presumption that any housing development where 25% of the units are affordable to persons and families of low or moderate income can be developed without having an impact on the ability of the entity to adopt an adequate housing element.

This bill would specify that the conclusive presumption does not apply if the approval of the housing development may prevent the entity from complying with the final judgment of the court.

(4) The bill would declare the intent of the Legislature to adopt a judicial interpretation of the term "substantial compliance," for the purposes of the above provisions.

Ch. 1040 (AB 511) Hannigan Financing government.

Existing property tax law permits each county board of supervisors to exempt from property tax all real property with a base year value of, or personal property with a full value of, not more than \$1,500, if total taxes, special assessments, and subventions in connection with that property would amount to less than the cost of assessing and collecting those taxes, assessments, and subventions.

This bill would increase the maximum base year value or full value of property which may qualify for exemption from \$1,500 to \$2,000.

Under existing law, as a prerequisite to the allowance of the welfare exemption with respect to taxes on real property, the interest of the claimant in the property must be of record on the lien date in the office of the recorder of the county in which the property is located. Failure of the claimant to establish the fact of that recordation to the assessor constitutes a waiver of the exemption.

This bill would provide that for years prior to 1983, in counties with populations less than 5,000 persons, under specified circumstances, a claimant shall be granted a welfare exemption.

Section 2229 of the Revenue and Taxation Code provides that the state shall reimburse local agencies for property tax revenues lost by classification or exemption of property for purposes of ad valorem taxation enacted by the Legislature.

This bill would also provide that no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to this bill.

Ch. 1041 (AB 2668) N. Waters. Department of Food and Agriculture Fund and Acala Cotton Fund interest

Existing law authorizes the Governor to direct the Controller to make transfers of money from any special funds and other state accounts to the General Cash Revolving Fund whenever the Governor determines that there is insufficient cash in the General Fund to meet payments authorized by law. Existing law also requires that this money be retransferred to the fund or account of its origin.

This bill would require that on all funds transferred from the Department of Food and Agriculture Fund and the Acala Cotton Fund for any purpose other than to carry out or enforce the law directly relating to the source of those funds, interest shall be paid to the Department of Food and Agriculture Fund or the Acala Cotton Fund which otherwise would have been earned if the funds had not been transferred.

Ch. 1042 (AB 2884) Hannigan. State property. lease.

(1) This bill would authorize the Director of General Services to let to Solano Community College, for a period not to exceed 25 years, for the purpose of establishing a fire

training center, real property located within the California Medical Facility at Vacaville.

(2) Under existing law, the State Geologist is authorized to make a collection of typical geological and mineralogical specimens. Existing law also authorizes the Director of General Services, with the consent of the state agency concerned, to lease for not more than 5 years, personal property belonging to the state.

This bill would expressly authorize the State Geologist, subject to the approval of the director, to lease, for not more than 20 years, collections of ores and minerals of California for the public benefit.

(3) This bill would take effect immediately as an urgency statute.

Ch. 1043 (AB 3650) Hauser. Humboldt Bay Harbor, Recreation, and Conservation District.

Under the Humboldt Bay Harbor, Recreation, and Conservation District Act, that district is authorized to engage in various activities for the promotion of commerce of the Humboldt Bay area.

This bill would specify that those activities may be engaged in to promote national and international commerce, and would authorize the district to have offices in other states or foreign countries or create an export trading company to promote the maritime and commercial interests of the district, as specified. The bill would require the district to submit specified statements regarding any such office or company to the Controller at the end of each fiscal year or as soon as possible thereafter.

The bill would also make nonsubstantive, technical changes.

Ch. 1044 (AB 3668) Campbell. Postsecondary education: handicapped parking

(1) Under current law, there are no statutory provisions requiring handicapped or disabled persons enrolled in public postsecondary educational institutions to be exempted from the payment of fees for parking.

This bill would require the Regents of the University of California and the Trustees of the California State University to provide, and would require the Board of Governors of the California Community Colleges to adopt rules and regulations requiring the governing board of each community college district to provide, visitor parking at each campus of the university or college at no charge for a disabled person, as defined. This bill would specify that whenever parking designated for a disabled person is provided on any campus of a university or college in a facility controlled by a mechanical gate, that university or college shall also provide accommodations for any person whose disability prevents him or her from operating the gate controls. This bill would specify that these accommodations may be provided by making arrangements for disabled persons to be assisted in the operation of the gate controls, or through other effective and reasonable means the university or college may devise. This bill would specify that nothing in these provisions shall be construed to require the replacement or elimination of special parking facilities restricted for the use of disabled persons located on the campuses of these universities or districts.

This bill would specify that the provisions of this bill shall only be applicable to the University of California if approved by an appropriate resolution of the Regents of the University of California.

This bill would state the intent of the Legislature that community college districts utilize inflation adjustments for the 1984-85 fiscal year, and the proceeds of parking fees charged to community college students and employees, to offset costs incurred by these districts in accommodating disabled persons in utilizing parking spaces pursuant to the provisions of this bill.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose state-mandated local costs by requiring community college districts to provide visitor parking at each campus of the community college district at no charge for a disabled person and by requiring that whenever parking designated for a disabled person is provided with a mechanical gate, accommodations also be provided for any person whose disability prevents him or her from operating the gate controls.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1991, the provisions contained in the bill for which state reimbursement is required.

Ch. 1045 (AB 3703) Vasconcellos. Energy facilities: state sites

The Warren-Alquist State Energy Resources Conservation and Development Act provides for, among other things, the development of energy resources in the state.

This bill would make a declaration that it is the policy of the state to encourage third-party financing of energy projects at state-owned sites and that development of energy projects at state-owned sites can be accelerated where reasonable incentives are provided. The bill would set forth specified incentive benefits between the state and the institutions siting the energy projects, and would specify the conditions under which the annual cash revenues of these projects are to be shared on an equal basis between the state and the siting institutions. The bill would require that an institution receiving annual cash revenues under these provisions retain any money it receives, but not to exceed $\frac{1}{2}$ of this amount, in a special deposit fund account, which shall be continuously appropriated to the institution for the purposes of the provisions of the bill.

The provisions of the bill would be repealed on January 1, 1990.

Ch. 1046 (AB 3821) Filante Housing: financing of housing: insurance reserve.

(1) Existing law requires the California Housing Finance Agency to seek to attain various specified housing objectives generally related to meeting the housing needs of persons and families of low or moderate income and authorizes the agency to issue revenue bonds to finance housing developments.

This bill would require the agency to also seek to attain an additional objective of reducing the cost of mortgage financing for second unit rental housing, as defined, in order to make rental housing more affordable for elderly persons and persons and families of low or moderate income.

(2) Existing law requires the agency to maintain a reserve account to secure its commitments under contracts to insure housing loans. The amount of the reserve account is required to be maintained in an amount not less than the "insurance reserve requirement," as defined.

This bill would redefine the "insurance reserve requirement" to incorporate requirements presently applicable to mortgage guaranty insurers.

Ch 1047 (AB 3910) Wright. Economic poisons

(1) Under existing law, specific economic poisons are classified as restricted materials and subject to certain statutes and regulations governing their possession, sale, or use. Certain economic poisons, such as thallium, are classified as restricted by statute and other products may be designated as restricted materials by the Director of Food and Agriculture under specified criteria

This bill would delete thallium as a statutorily prescribed restricted material.

(2) Under existing law, persons who engage in the business of pest control generally, aircraft pest control operators, agricultural pest control advisers, and pesticide dealers are required to be licensed and in specified cases examined by the Director of Food and Agriculture.

This bill would authorize the director to adopt regulations, as specified, establishing reasonable fees, up to \$15 per examination, based on recommendations of the Agricultural Pest Control Advisory Committee, to cover the costs of administering any written examination administered pursuant to provisions relating to pest control operations.

(3) Under existing law, a person licensed to do business in agricultural pest control is required to pay an annual license fee of \$50.

This bill would lower that fee to \$25 and require any applicant who maintains branch offices from which a pest control business is conducted in this state to pay a fee of \$10 per branch office

(4) Under existing law, any fee required to be paid by a person licensed to engage

in the business of pest control is increased by a penalty of \$5 if not paid when due.

This bill would increase that amount to \$10

(5) Under existing law, a pesticide dealer's license is required to be renewed on or before January 1 of the calendar year for which it is issued or the applicant is required to pay a penalty of \$15 in order to renew. The applicant may renew after January 1 without penalty if he or she has not acted as a pesticide dealer between January 1 and the date of the renewal application

This bill would delete the provisions that exempt the applicant from the penalty if he or she has not acted as a pesticide dealer between January 1 and the date of the application and would lower the penalty to \$10.

(6) Any fees or penalties assessed by this bill would be deposited in the Department of Food and Agriculture Fund, a continuously appropriated fund, thus resulting in an appropriation.

Ch 1048 (SB 160) Foran Transportation.

(1) Existing law requires the California Transportation Commission to allocate, and the Department of Transportation to expend, 70% of the funds in the State Highway Account in the State Transportation Fund on the basis of a specified formula for the period from July 1, 1983, to June 30, 1988, and subsequent 5-year periods, with exceptions for the initial period.

This bill would delete obsolete provisions.

(2) Under existing law, the department has possession and control of all state highways and all property and rights in property acquired for state highway purposes.

This bill would authorize the department and the San Francisco Bay Area Rapid Transit District to enter into a joint use agreement which authorizes the district to use a specified portion of the State Highway Route 280 right-of-way without charge for its transit turn back facility

Ch. 1049 (SB 1531) Watson Adoption.

Existing law does not require the State Department of Social Services and licensed adoption agencies to release any letters, photographs, or other items of personal property in their possession to any adoptee, birth parent, or adoptive parent upon the written request of the adoptee, birth parent, or adoptive parent.

This bill would so require, as specified, thus establishing a state-mandated local program, since the requirement would be applicable to licensed county adoption agencies. The bill would be applicable only to personal property deposited with the department or licensed adoption agency on or after January 1, 1985.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1050 (SB 1916) Presley. Minors: alcohol and drug offenses

(1) Existing law generally requires, in counties having alcohol or drug education programs approved by the board of supervisors, that persons placed on probation for (a) driving under the influence of alcohol, drugs, or both, (b) driving with a blood alcohol level of 0.10% or higher, or (c) driving while addicted to a drug, be required to attend such an alcohol or drug education program

This bill would require any person, who is found by a juvenile court judge, juvenile traffic hearing officer, or juvenile court referee to have committed a first such offense, to participate in and successfully complete such a program. The bill would require the person's parents or guardian to pay the costs of participating in the program until the person reaches 18 years of age, and thereafter the person would be responsible for these costs. The bill would impose a state-mandated local program by requiring counties to make provision in the program for waiver of fees for indigents and installment payments for persons unable to afford the program fee at the commencement of the program. The bill would not apply in counties without approved alcohol or drug education programs

The bill would also impose a state-mandated local program by requiring separation of these programs for juveniles from programs for adults whenever it can be done without substantial additional cost

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1051 (SB 1966) Speraw Anatomical gifts

(1) The Uniform Anatomical Gift Act, among other things, provides that a person who acts in good faith in accord with the terms of its provisions is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his or her act.

This bill would revise these provisions to make them expressly apply to a gift offered pursuant to specific provisions in the Vehicle Code relative to making an anatomical gift

(2) Existing law sets forth the duties and powers of the coroner, including the power in certain instances to retain body tissues for investigation and the removal of parts of the body for transplant, therapeutic, or scientific purposes.

This bill would provide that notwithstanding any other provision, the coroner may:

(1) assist people of this state in the implementation of the Uniform Anatomical Gift Act and in the lawful utilization of medically proven organ and tissue transplant procedures, (2) cooperate in the authorized removal and timely disposition of human organs and tissues from bodies of deceased persons, including victims of homicide, as specified, (3) assist medical and health service agencies in identifying donors of human organs and tissues, as specified; and (4) inform the deceased's next of kin of their option to donate organs and tissues.

Ch. 1052 (AB 2775) Bane. Commercial transactions.

Under existing law, a nonprofit community service organization that is subject to specified provisions of the law regulating nonprofit corporations and that meets certain membership criteria is exempt from licensure under the Check Sellers and Cashers Law if the organization's principal function is consumer credit education, counseling on consumer credit problems and family budgets, and arranging and, in some cases, administering debt settlement plans. A charge for administrative services only may be made of 6.5% of the money disbursed monthly, or \$20 per month, whichever is less, to offset expenses.

This bill would provide that certain money received by certain nonprofit service organizations shall be deposited in either an interest-bearing or noninterest-bearing trust account in a designated depository institution located in California. If the account bears interest, the interest would be paid to Consumer Credit Counselors of California, a nonprofit corporation the primary purpose of which is consumer credit education, which, in turn, would be required to deposit the interest payments to be disbursed for the sole purpose of establishing and maintaining California nonprofit community service organizations whose purpose is consumer credit education and counseling on consumer credit problems and family budgets and who are exempt from certain provisions relating to check sellers and cashers, as specified.

Ch. 1053 (AB 3054) M Waters. Developmental disabilities.

Existing law prohibits an employee or member of the governing board of any entity, including a community care facility from which a regional center for the developmentally disabled purchases client services, from being on the governing board or program policy committee of a regional center.

This bill would require the governing board of a regional center to appoint an advisory committee comprised of a variety of persons representing the various categories of providers from which the regional center purchases services. The bill would require the advisory board to designate one of its members to serve as a member of the regional center board

The bill would also prohibit a member of regional center governing board or a re-

gional center program policy committee, who is an employee or member of the governing board of a provider from which the regional center purchases client services, from (1) serving as an officer of the regional center board or program policy committee or (2) from voting on any fiscal matter affecting the purchase of services from any regional center provider or (3) from voting on any issue other than as described in (2) in which the member has a financial interest, as defined. The bill would also require this member to report his or her financial interest to the regional center board or program policy committee.

This bill would also terminate all of the changes made by it January 1, 1987

Ch. 1054 (AB 3074) Wright School districts' regional occupational centers or programs.

Under existing law, school districts meeting specified requirements are authorized to establish regional occupational centers or programs

This bill would require that regional occupational centers or programs operated by a single district under specified waiver provisions of existing law be granted permanent status if the single district has previously been granted 2 waivers from the State Board of Education and the single district maintains at least 3 but not more than 5 comprehensive high schools within the district. The governing board of the school district would retain authority to decide whether or not to operate the regional occupational center or program under the permanent status provision.

This bill would specify that the revenue limit for these regional occupational centers or programs shall be either the lower of the revenue limit under which the center or program operates, or the district's revenue limit, except that these revenue limits shall be subject to annual percentage cost-of-living adjustments.

Ch. 1055 (AB 3375) Wright. Hazardous waste' rewards.

Existing law requires the payment of a reward to any person who provides information leading to the imposition of a civil penalty or leading to the conviction of a person for violating certain provisions of the hazardous waste control law. Public officers and employees who report those violations in the normal course of their duties are ineligible for the reward.

This bill would additionally make ineligible for the reward an employee of a business who provides information that the business has violated these provisions if specified conditions apply, unless the business knowingly caused the violation.

Ch. 1056 (AB 3674) Johnston. Health programs.

(1) Under existing law, the only county in which an independent local health district exists is in San Joaquin County

This bill would require the San Joaquin Local Health District, prior to any dissolution, to transfer its real and personal property to the County of San Joaquin. In addition, this bill would be a state-mandated local program by requiring the county to assume the district's responsibilities upon the dissolution.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1057 (AB 3711) Johnston Public employment offices

Existing law requires the Director of Employment Development to establish, maintain, and operate adequately staffed public employment offices.

This bill would require all Employment Development Department offices within a common labor-market area, as defined, to share job listing information immediately upon receipt of the job order in areas which are automated, and within 24 hours of receipt of the job order in areas which are not automated if there is insufficient referral activity, as defined.

This bill would also require each public employment field office to display signs

containing specified information for job seekers to review, and would specify that the provisions of the bill are subject to the limitations of federal budgetary constraints.

Ch. 1058 (AB 3883) Molina. Unemployment good cause sexual harassment

Existing law disqualifies an individual for unemployment compensation benefits if the individual is found to have left his or her most recent employment without good cause.

This bill would require that an individual be deemed to have left his or her employment with good cause if he or she left because of "sexual harassment," as defined. The individual would be required to take reasonable steps to preserve the working relationship unless the Director of Employment Development finds it would have been futile.

Ch. 1059 (SB 1319) Marks. Local agency formation commissions: spheres of influence.

(1) Existing law requires the local agency formation commission of each county to develop and adopt a "sphere of influence," as defined, for each local governmental agency within the county, to be used by the commission in making decisions on proposals over which it has jurisdiction

Existing law specifies January 1, 1985, as the time by which local agency formation commissions must adopt spheres of influence for each local governmental agency within its jurisdiction, but authorizes a commission to review, approve, conditionally approve, or disapprove proposals until January 1, 1985, without having adopted applicable spheres of influence, if the commission makes specified findings concerning the effect on agricultural preserves in the area.

This bill would extend until June 30, 1985, the date by which a commission must adopt spheres of influence for those local governmental agencies which do not provide "facilities or services related to development," as defined by the bill.

The bill would also require a commission to make specified determinations, rather than findings, with respect to proposals which it acts upon without having adopted applicable spheres of influence, and would revise the factors to be considered by the commission in making those determinations.

Under existing law, spheres of influence, after adoption, are required to be used by the commission as a factor in making regular decisions on proposals over which the commission has jurisdiction.

This bill would, instead, require that specified determinations which a commission is required to make concerning proposals coming before it be consistent with the spheres of influence of all affected local agencies. In so doing, the bill would impose a state-mandated local program

The bill would prohibit a commission, on and after January 1, 1985, from approving or conditionally approving any proposal which would result in converting prime agricultural land to nonagricultural use if the commission has not adopted a sphere of influence for each agency which might, as determined by the commission, include the subject territory within its sphere of influence and which provides facilities or services related to development.

The bill would make a declaration of legislative intent

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 1060 (SB 1492) Deddeh. Motor vehicle liability insurance

Existing law requires policies of motor vehicle liability insurance to offer insureds coverage for property damage caused by the owner or operator of an uninsured motor vehicle.

This bill would provide that the offer of coverage may be made by mailing, delivering, or providing to a named insured or applicant for insurance an offer for that coverage, as specified. The bill would specify that its provisions would not affect the validity of any outstanding agreement or rejection of an offer made prior to the effective date of the bill. The bill would become operative on July 1, 1985, and remain in effect until January 1, 1989.

Ch. 1061 (SB 1595) Boatwright. Courts: Contra Costa County

(1) Existing law provides that regular official reporters in Tulare County may elect to be members of any retirement system maintained by the county. Existing law similarly provides this option to official reporters appointed to the court by a judge of a municipal court district in the County of Tulare. For the purposes of retirement credit, compensation earnable is deemed to be the annual total of all per diem and transcription fees paid by the county to each regular official reporter up to a maximum of \$25,000 per year.

This bill would revise these provisions with respect to retirement credit to permit a maximum earnable compensation of \$30,000 per year rather than \$25,000 per year.

(2) Existing law specifies the salaries of official reporters and the fees of pro tempore reporters in Contra Costa County.

This bill would establish a court reporter fee and a daily transcription fee, as specified, revise the salaries of official reporters for the superior court, and revise the fees for pro tempore reporters for the superior and municipal courts in Contra Costa County, thereby imposing a state-mandated local program.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1062 (SB 1770) McCorquodale. School districts: overcrowding.

Under existing law, a school district receiving funds for specified interim school facilities is required to file a report with its respective city council or board of supervisors containing the balance that exists in a separate account which schools must maintain for fees paid, for the facilities leased, purchased, or constructed, and for the attendance areas that will continue to be overcrowded. Existing law requires the report to be filed by October 15 of each year, or more frequently at the request of the board of supervisors or city council.

This bill would require the school district's report to include the dedication of land during the previous fiscal year and would authorize the board of supervisors or city council to approve a 30-day extension for the filing of the report in the case of extenuating circumstances.

This bill would specify that during the time that the report has not been filed in the manner prescribed in this bill, there shall be a waiver of any performance of the payment of fees or the dedication of land.

Ch. 1063 (AB 1663) Elder. Bail.

Existing law provides for the licensing of insurers to execute bail undertakings.

This bill would authorize licensees who have purchased or succeeded to the bona fide business of another licensee to use that licensee's true or fictitious name if the predecessor's business was conducted for 2 consecutive years or more.

~~The bill would impose specified duties on the Department of Insurance in connection with the bill.~~

~~The provisions would be repealed January 1, 1988.*~~

Ch. 1064 (SB 1875) Robbins. Motion Picture Council.

Existing law provides for a Motion Picture Council consisting of 17 members, to encourage motion picture and television filming in California, among other things. It empowers the Governor to appoint 11 members, the Senate Rules Committee and the Speaker of the Assembly to appoint 3 members each, and requires that one Senate Rules Committee appointee shall be a Senator, and one appointee of the Speaker shall be an Assembly Member.

This bill would increase the membership of the council to 21 members and would give the Governor 2 additional appointments, and the Senate Rules Committee and the Speaker an additional appointment each. The new legislative appointees would be authorized to be a Senator and an Assembly Member, respectively.

This bill would provide that legislative appointees would only be allowed to serve as members of the council during their terms of office. Other appointees would serve 2-year terms at the pleasure of the appointing power.

This bill would also require 4 of the Governor's appointees to be members or employees of the motion picture industry, as specified, and that one appointee be a member of the Los Angeles City Council or be a Los Angeles County Supervisor and another appointee be a member from a city council other than Los Angeles or from a county board of supervisors other than Los Angeles County.

Ch. 1065 (SB 2099) McCorquodale. Contracting agencies-PERS: local safety members-optional formula.

The Public Employees' Retirement Law presently prescribes various retirement formulas and benefits, contribution rates, and minimum retirement ages for the various membership categories of the system.

This bill would authorize contracting agencies, by contract amendment as specified, to elect an alternative retirement formula of 1.713% at age 50 to 2.35% at and over age 56 for local peace officers and county peace officers who are local safety members and who are also covered by federal Social Security, as specified. This new authorization would impose state-mandated local program costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

Ch. 1066 (SB 2102) Dills. Geothermal revenues: loans

Under existing law, the Geothermal Resources Development Account is created in the General Fund, specified revenues are required to be deposited in the account, and the money is continuously appropriated for specified purposes. The State Energy Resources Conservation and Development Commission is authorized annually to expend 30% of the revenues deposited in the account during the preceding fiscal year to provide grants to cities, counties, and districts having geothermal resources to carry out specified geothermal resources development activities.

This bill would specify that regional planning agencies and public utility districts, except as specified, are included within the districts eligible for these funds and would allow the funds to be used for loans, with prescribed terms and conditions, in addition to grants, thereby making an appropriation. The bill would require the commission to hold the funds within the Local Government Geothermal Resources Revolving Subaccount, which the bill would create within the Geothermal Resources Development Account.

Ch. 1067 (SB 2179) Torres. Insurance: acupuncture.

Existing law does not require health care service plans, disability insurance policies, and nonprofit hospital service plans to provide coverage for expenses incurred as a result of treatment by a certificated acupuncturist.

This bill would require health care service plans and nonprofit hospital service plans

that are not health maintenance organizations, as defined, and disability insurance policies, issued on a group basis, to offer acupuncture coverage under those terms and conditions as may be agreed upon by the parties, with specified exception.

Ch. 1068 (AB 2047) Condit. Farm labor vehicles.

Existing law defines and regulates various aspects of the operation of farm labor vehicles, including mechanical condition, equipment requirements, driver qualifications, and special operational requirements. Existing law limits the application of these provisions to motor vehicles designed, used, or maintained for the transportation of 7 or more farmworkers in addition to the driver.

This bill would require the motor vehicle to be designed, used, or maintained for the transportation of 9 or more farmworkers, in addition to the driver, to be a farm labor vehicle

Ch. 1069 (AB 2376) Farr. Hopkins Marine Life Refuge

(1) Under existing law, the taking of birds, mammals, fish, and amphibians in any refuge is subject to permits from the Department of Fish and Game, except, among other exceptions, specified persons in the Hopkins Marine Life Refuge, as designated.

This bill would redefine the boundaries of the Hopkins Marine Life Refuge, authorize the Director of Fish and Game to appoint the director of that refuge, and authorize the director of that refuge to issue permits to enter it for specified purposes under conditions prescribed by the department.

The bill would prohibit entry to the Hopkins Marine Life Refuge for specified purposes and prohibit the taking of fish or marine plants in that refuge, except as specified. A violation of the prohibition would be a misdemeanor pursuant to other existing provisions of law, thereby imposing a state-mandated local program.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1070 (AB 2867) Hauser School lands, lieu lands, and indemnity lands: revenues.

(1) Under existing law, revenues received by the state from indemnity lands received from the United States after July 1, 1980, and leased for geothermal development are allocated $\frac{1}{2}$ to the Geothermal Resources Development Account and $\frac{1}{2}$ to the General Fund.

This bill would allocate $\frac{1}{2}$ of those revenues to the Teachers' Retirement Fund rather than the General Fund, and require that those revenues be expended pursuant to designated provisions dealing with retirement cost-of-living adjustments.

(2) Under existing law, commencing on July 1, 1984, all net revenues, moneys, and remittances from the sale or use of school lands and lieu lands are required to be deposited in the Teachers' Retirement Fund.

This bill would specify that those provisions do not apply to revenues received by the state from indemnity lands described above. The bill would also provide that if AB 3105 is enacted and amends Section 6217.5 of the Public Resources Code, the changes in that section made by this bill are repealed on the operative date of AB 3105, at which time the changes made by AB 3105 become operative.

(3) The bill would take effect immediately as an urgency statute.

Ch. 1071 (AB 3114) Harris Public liability.

Existing law provides that neither a public entity nor a public employee is liable for an injury caused by a natural condition of unimproved public property. Case law has construed that provision to be inapplicable to injuries occurring off the public property.

This bill would provide that neither a public entity nor a public employee is liable for any damage or injury to property, or for emotional distress unless the plaintiff has suffered substantial physical injury, off the public entity's property caused by land failure

of any unimproved public property if the land failure was caused by a natural condition of the unimproved public property. It would provide that immunity would not benefit a public entity or employee who had actual notice of probable damage that was likely to occur because of the land failure and who failed to warn, as specified

The bill would specify that a natural condition exists and property shall be deemed unimproved notwithstanding the intervention of minor improvements made for the preservation or prudent management of the property in its unimproved state that did not contribute to the land failure.

Ch. 1072 (AB 3164) Hauser. Shared housing: elderly and handicapped.

Existing law contains no provisions to encourage the elderly and the handicapped to share housing in a public agency housing development or a privately operated housing development which receives assistance from a public agency

This bill would specify that those housing developments shall not prohibit an elderly or handicapped household from qualifying for and living together in an efficiency, studio, or one bedroom unit of these housing developments, except under specified circumstances. The bill would authorize the Department of Housing and Community Development to develop regulations to implement the provisions of the bill

The bill would, contingent upon the enactment of SB 1553 which would permit the occupancy, residency, or use of certain housing for senior citizens, provide that provisions prohibiting certain residencies do not apply to residencies permitted under SB 1553.

Existing law defines "elderly" and "handicapped," for the purposes of provisions of law relating to housing and home finance, to include an elderly or handicapped household.

This bill would revise those definitions

Ch. 1073 (AB 3333) Johnston. Schools: finance regional occupational centers and programs: admissions.

(1) Existing law provides for the establishment and maintenance of regional occupational centers or programs to provide education and training in vocational courses, as prescribed. Existing law prescribes the criteria for the admission of students to a regional occupational center or program and provides for the crediting of the attendance of each student enrolled in a regional occupational center or program

This bill would specify that no pupil shall be eligible to be admitted to a regional occupational center or program, nor may his or her attendance be credited to a regional occupational center or program, until he or she has attained the age of 16 years. This bill would prescribe limited circumstances under which a pupil under the age of 16 years may be admitted to a regional occupational center or program

This bill would require each regional occupational center or program admitting pupils from outside its attendance area to report the average daily attendance in these classes to each pupil's district of residence, as specified

This bill would require each school district, county superintendent of schools, and joint powers agency maintaining a regional occupational center or regional occupational program to submit to the State Department of Education, at the time and in the manner prescribed by the Superintendent of Public Instruction, the enrollment and average daily attendance for each grade level and for each pupil under the age of 16 years admitted to a regional occupational center or regional occupational program in accordance with the requirements of this bill.

This bill would require the State Department of Education to submit this information to the Legislature by April 1 of each year for the preceding school year

(2) This bill would limit the average daily attendance of pupils enrolled in regional occupational centers or programs pursuant to specified provisions of this bill specifying the circumstances under which pupils under the age of 16 years may be admitted to a regional occupational center or program, as prescribed. This bill would repeal these provisions on June 30, 1986.

(3) This bill would authorize the Superintendent of Public Instruction to allocate up to 5% of the funds provided for growth to regional occupational centers and programs funded pursuant to the provisions of this bill which generate not more than 350 units of average daily attendance and which serve small high schools, as defined. This bill

would specify that this authorization shall remain in effect until June 30, 1986, and as of that date is repealed

(4) This bill would reappropriate \$5,600,000 from the unexpended balance of funds appropriated pursuant to specified provisions of current law for the 1983-84 fiscal year for transfer to specified provisions of the Budget Act of 1983 for allocation pursuant to the requirements of specified provisions of that Budget Act. This bill would state legislative findings that this appropriation represents the difference between the amount vetoed from the Budget Act of 1983 for regional occupational centers and programs, less the amount, to be determined by the Superintendent of Public Instruction, which would have been available for 9th and 10th grades pupils in regional occupational centers and programs based on the 1982-83 fiscal year average daily attendance for these pupils.

(5) This bill would reappropriate \$24,379,000 from the unexpended balance of funds appropriated pursuant to specified provisions of current law to be allocated in accordance with a prescribed schedule for school purposes

(6) This bill would reappropriate \$800,000 from the unexpended balance of funds appropriated pursuant to the Budget Act of 1982 for special education for allocation by the Department of Finance for seismological testing at the state special school for the blind in Fremont.

(7) This bill would take effect immediately as an urgency statute.

Ch. 1074 (AB 3382) Farr. Cities. subsidiary districts.

(1) Existing law prescribes procedures whereby an existing independent special district of limited powers may become a subsidiary district of a city, and be governed by the legislative body of the city, when the boundaries of a city are changed so as to encompass all or a specified portion of the territory of the district, or when a newly incorporated city will encompass all or a specified portion of the district.

This bill would prescribe a special procedure to be followed if the affected district proposes an alternative to the subsidiary district proposal. Under this procedure, both the original and the alternative proposals would be required to be considered by the local agency formation commission, the county board of supervisors, and, if the proposition is approved subject to the confirmation by the voters, the voters of the affected district.

By prescribing procedures for considering alternatives to a proposal for the formation of a subsidiary district, the bill would impose a state-mandated local program.

The bill's provisions would be repealed on January 1, 1990, unless that termination date is extended or repealed by a later enacted statute.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1075 (AB 3557) Mojonner. Counties. records. ordinances.

(1) Existing law permits a county board of supervisors to utilize photographs, microphotographs, and photocopies, for keeping the records, books, and minutes of the board.

This bill would, in addition, permit utilization of electronic data-processing records for such purposes.

(2) Existing law specifies the manner of publication or posting of ordinances, or summaries thereof, enacted or amended by a county board of supervisors. Various duties in this regard are imposed upon the county clerk.

This bill would, where posting is required, specify that the ordinance be posted in a prominent location at the board of supervisors' chambers, rather than at the courthouse door. The bill would designate the clerk of the board of supervisors, rather than the county clerk, to perform various functions concerning the publication and posting of ordinances. In so doing, the bill would impose a state-mandated local program.

The bill would provide that if the clerk of the board of supervisors fails to publish an ordinance within 15 days after the date of adoption, the ordinance would not take effect until 30 days after the date of publication.

(3) Existing law permits the destruction of certain original county records if a specified type of copy is made

This bill would permit the destruction of original records if a duplicate copy of a record contained in the county's electronic data-processing system is separately maintained.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(5) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch 1076 (AB 3579) Leonard. Transportation: alternative technologies.

Existing law requires the Department of Transportation to report to the Legislature at the commencement of each regular session on specified topics.

This bill would require the department to include in the report specified items relating to alternative technologies in transportation. The department would be required to coordinate with the State Energy Conservation and Development Commission in preparing some of the information.

The bill would incorporate additional changes in Section 14051 of the Government Code proposed by AB 3521, to be operative only if this bill and AB 3521 are enacted and become effective January 1, 1985, and this bill is enacted last.

Ch 1077 (AB 3585) Rogers. Vehicles. Identification plates.

(1) Under existing law, certain equipment, vehicles, and implements of husbandry are exempt from registration, but are required to have identification plates from the Department of Motor Vehicles in order to be driven, moved, or left standing upon a highway

This bill would revise and consolidate these provisions, including the fee schedules. The bill would require payment of a fee upon transfer of ownership of equipment, a vehicle, or implement of husbandry bearing the identification plates. The bill would cancel all the identification plates effective January 1, 1986, except those plates on implements of husbandry. Identification plates for implements of husbandry that expired on December 31, 1983, would not be eligible for renewal on and after January 1, 1986, and all existing identification plates for implements of husbandry could only be renewed through 1986. Existing identification plates which would expire or be canceled under the bill would have to be replaced with new identification plates issued pursuant to this bill

(2) This bill would incorporate changes in Section 36102 of the Vehicle Code proposed by AB 3268 if both bills are enacted and this bill is enacted last.

(3) The bill would become operative on July 1, 1985.

Ch 1078 (AB 3619) Roos. Music: misappropriation.

(1) Existing law makes it a misdemeanor [or a felony]* ~~to sell or cause to be sold, any article within the prohibition against~~* knowingly and willfully ~~transferring~~ [transfer]* or ~~causing~~ [cause]* the transfer of recorded sounds with the intent to sell or cause to be sold, or to use or cause to be used for profit through public performance, [the article on which the sounds are transferred,]* without the consent of the owner. Existing law also prohibits the transportation ~~and~~ [for consideration or]* sale of those articles [, or causing those articles to be transported or sold,]* with the knowledge that the sounds thereon have been so transferred

This bill would instead prohibit ~~this~~ [as a misdemeanor only the]* transfer of recorded sounds with the intent to sell or cause to be sold, or to use or cause to be used for commercial advantage or private financial gain through public performance, those

articles [on which the sounds are recorded]* without the consent of the owner and would also prohibit the possession for sale of those articles

(2) Existing law makes it a misdemeanor to sell or cause to be sold, transport, or cause to be transported, for consideration, the sounds of a live performance with knowledge that they have been recorded without the consent of the owner except as to specified conduct related to television and radio broadcasting

This bill would include the possession for sale of those items in that prohibition and would include cablecasting within the exception related to broadcasting.

(3) The bill would create the additional offenses of fixing or causing to be recorded or fixed on any article, with the intent to sell for commercial advantage or private gain, the sounds of a live performance with the knowledge that the sounds thereon have been recorded or fixed without the consent of the owner of the sounds of the live performance, and failure to disclose the origin of a recording of sound by knowingly, with the intent to sell for commercial advantage or private gain, advertising or offering for sale or resale, or selling or reselling, or possessing for these purposes, any phonograph record, disc, wire, tape, film, or other article on which sounds are recorded, the outside cover box or jacket of which does not clearly and conspicuously disclose the actual true name and address of the manufacturer thereof, and the name of the actual performer or group.

(4) The bill would create a state-mandated local program by creating or changing the definition of a crime.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1079 (AB 3756) Hughes Student financial aid

(1) Existing provisions of the Business and Professions Code establish a financial aid program to provide assistance to University of California medical schools operating specified supervised clinical training programs, and to students enrolled in supervised clinical training programs at medical schools in the state other than University of California medical schools

This bill would repeal those provisions.

(2) Various existing provisions of the Education Code pertaining to student financial aid contain references to the Federal Basic Educational Opportunity Grant Program.

This bill would amend those provisions to refer, instead, to the Pell Grant Program, and would make certain other technical changes in the provisions relating to student financial aid

(3) Existing law establishes the eligibility requirements for grants and fellowships administered by the Student Aid Commission.

This bill would also require that no student shall receive a grant or fellowship administered by the commission if he or she has previously defaulted on any student loan, or has failed to repay a federal or state student grant where required to do so. The bill would create an exception to this prohibition if a student has made satisfactory arrangements to make the repayment

(4) Existing law requires certain factors to be considered when the Student Aid Commission proposes, in its budget proposal, adjustments to the maximum grant and the income ceiling for certain grant awards

This bill would also require those factors to be considered when the Student Aid Commission proposes adjustments to the number of grants in its budget proposal.

(5) Existing law establishes certain specified maximum dollar amounts for various types of Cal Grant awards

This bill would limit the amount of these Cal Grants to the amount specified in the annual Budget Act

(6) Existing law establishes a specified formula for the distribution of federal state student incentive grant funds.

This bill would repeal that formula, and instead, require the Student Aid Commission to allocate federal state student incentive grant funds among the Cal Grant A, B, and

C programs so that the allocations bear the same ratio to each other as do the total appropriations to each program.

(6.5) Existing law establishes a State Guaranteed Loan Program.

This bill would rename the program the California Educational Loan Program, and would specify that the program shall include, but not be limited to, the State Guaranteed Loan Program and the California Loans to Assist Students Program.

(7) Current law provides for the establishment of a Loan Study Council of 15 members

This bill would add a 16th member to the council.

(8) Existing law provides a state medical contract program for study in the field of medicine leading toward a doctor of medicine degree in certain accredited colleges and universities in the state

This bill would eliminate that program.

(9) Chapter 1052 of the Statutes of 1972 expressed the Legislature's intent to establish a one-year pilot project in Indian education.

This bill would repeal that enactment.

Ch. 1080 (SB 2137) L. Greene. Landscaping and Lighting Act of 1972: park or recreational improvements.

The existing Landscaping and Lighting Act of 1972 permits a city, county, or special district to levy an assessment to finance various improvements, as defined. Existing law permits the levy of 5 annual assessments to finance the costs of those improvements, other than maintenance and service costs for which an annual assessment may be levied. The assessments are collected at the same time and in the same manner as county taxes.

This bill would also permit the levy of assessments under that act generally for the installation of park or recreational improvements, as specified; would permit assessments to be levied for that purpose for 30 years, and would permit the legislative body to issue bonds to finance the estimated cost of those park or recreational improvements. The bill would authorize payment of the assessments within 30 days after they are entered on the county assessment roll.

The bill would also permit the legislative body to borrow the amount necessary to finance the estimated cost of any of the proposed improvements, not to exceed a specified amount.

Ch. 1081 (SB 2207) Maddy. Port San Luis Harbor District: mobilehome park operation.

Existing law authorizes the formation of harbor districts and specifies the powers and functions of those districts.

This bill would authorize the Port San Luis Harbor District to operate, itself only, the Port San Luis Trailer Park as a mobilehome park until the current occupants, as defined, cease to occupy the park.

The bill would also make legislative findings as to the necessity for a special statute.

The bill would take effect immediately as an urgency statute.

Ch. 1082 (AB 1346) Isenberg. Parks and recreation: Sacramento History Center

(1) The Budget Act of 1984 appropriates funds to the Department of Parks and Recreation for various purposes.

This bill would appropriate \$275,000 to the department from the Special Account for Capital Outlay to be allocated for local assistance for the Sacramento History Center.

(2) The bill would take effect immediately as an urgency statute

Ch. 1083 (AB 2452) M. Waters. Employees: disclosure of information.

Existing law makes it a misdemeanor for an employer to forbid or prevent employees from participating in politics, to control or direct the political activities or affiliations of employees, or to coerce or influence employees by threat of loss of employment to adopt, follow, or refrain from political action.

This bill, in addition, would make it a misdemeanor for an employer to make, adopt, or enforce any rule, regulation, or policy or retaliate against an employee for disclosing information to a government or law enforcement agency where the employee has reasonable cause to believe that the information discloses a violation of state or federal

law.

This bill would not apply to the confidential relationship of a lawyer-client, a physician-patient, or trade secret information.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by creating a new misdemeanor.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1084 (AB 2540) McAlister. Layoffs: good cause.

Existing law disqualifies an individual for unemployment compensation benefits if the individual is found to have left his or her most recent work voluntarily without good cause.

This bill would specify that an individual shall be deemed to have left his or her most recent work with good cause if he or she elects to be laid off in place of an employee with less seniority pursuant to a provision in a collective bargaining agreement that provides that an employee with more seniority may elect to be laid off in place of an employee with less seniority when the employer has decided to lay off employees.

Ch. 1085 (AB 2811) N. Waters. Pest abatement.

Under existing laws relating to pest abatement, any breeding places for mosquitoes, flies, or other insects which exist upon any land by reason of any use made of the land on which it is found, or by reason of any artificial change in the land's natural condition, is declared to be a public nuisance.

This bill would provide that the above provision shall not apply if the governing board of the abatement district makes specified findings with respect to agricultural operations. The bill would add a similar provision to a definition of "public nuisance," which would become operative only if SB 2162 is chaptered before this bill.

Ch. 1086 (AB 2849) M. Waters. Child support enforcement services.

Under existing law, the district attorney is required to provide child support enforcement services to all individuals, regardless of whether or not they are recipients of public social services. Spousal support services are available only to those persons receiving public social services.

This bill would require counties to undertake an outreach program to inform the public that the district attorney provides child support enforcement services. In so doing, it would contain a state-mandated local program.

This bill also would require the Judicial Council to establish a statewide project for the development and utilization of computer compatible family law forms, as specified, and to report on the results of the project to the Legislature by December 31, 1985.

Under existing law, there are 2 funds, the Support Enforcement Incentive Fund and the Interstate Collection Incentive Fund, out of which the State Department of Social Services makes payments of support collections to counties. Existing law specifies that a specified state incentive shall be paid on collections used to reduce or repay aid paid pursuant to the Aid to Families with Dependent Children program and for aid which is entitled to federal matching funds.

This bill would provide that any funds paid to a county out of either of these funds, over and above the county's cost of administering a child support enforcement program, shall be used to support the child support enforcement services of the district attorney.

This bill also would make further changes in Section 11475.1 of the Welfare and Institutions Code, contingent upon the enactment and prior chaptering of AB 1681, and in Sections 15200.1 and 15200.2 of the Welfare and Institutions Code, contingent upon the enactment and prior chaptering of AB 448, as specified.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Fi-

nance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would also provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 1087 (AB 2943) Bates. Limited-equity housing cooperative.

Under the existing so-called "Subdivided Lands Law," limited-equity housing cooperatives are subject to all the requirements pertaining to stock cooperatives, unless otherwise exempted.

This bill would add to the requirements for exemptions for limited-equity housing cooperatives

Ch 1088 (AB 2989) Bates Schools: private schools: employment of teachers.

Under existing law, there are no statutory provisions requiring applicants for teaching positions in private schools to obtain a certificate of clearance verifying whether they have had a credential revoked by the Commission on Teacher Credentialing and for ascertaining whether any criminal records regarding the applicant have been maintained by appropriate law enforcement agencies.

This bill would require, commencing October 1, 1985, the affidavit or statement filed with the Superintendent of Public Instruction regarding private schools, under penalty of perjury, to include a provision that the private school requires each new employee having contact with minor pupils and not possessing a valid state teaching credential, to obtain a criminal record summary from the Department of Justice as a condition of employment, as prescribed.

This bill would require, in the case of any private school where the instructor also serves as the administrator, that the affidavit or statement be made available to the parents and guardians of all pupils currently enrolled in the schools, and to any parent or guardian considering whether to enroll his or her child in the school.

This bill would require the department to process applications for the issuance of criminal record summaries for applicants for any position in private schools. This bill would specify that the criminal record summaries issued by the department shall only contain information regarding convictions for specified crimes, as defined, to be furnished to the employer designated by the requesting employee, as prescribed.

This bill would require the Commission on Teacher Credentialing to send each private school a monthly and quarterly list of teachers whose credentials have been revoked or suspended, as prescribed.

This bill would authorize the department to charge each applicant for a criminal record summary, a reasonable fee to cover costs associated with the processing of these applications. This bill would specify that in no event shall the fee charged exceed the actual costs incurred by the department.

Ch. 1089 (AB 3422) Molina. Labor Commissioner.

Existing law provides that, for purposes of the Labor Code, whenever any notice, report, statement or record is required it shall be made in writing in the English language.

This bill would delete the requirement that these materials be in the English language.

Existing law permits the Division of Labor Standards Enforcement to enforce all labor laws of the state, and permits the Labor Commissioner, as chief of the division, to receive claims for unpaid wages, hold hearings on those claims, and collect wages and benefits on behalf of workers.

Existing law also requires the Labor Commissioner to provide qualified bilingual persons in public contact positions or as interpreters and to provide an interpreter at hearings where appropriate.

This bill would require the commissioner to prepare and distribute to the public, using

its local offices, materials explaining services available in non-English languages, as well as in English. It would require the use of written materials in non-English languages by a local office if it serves a substantial number of non-English-speaking people, as defined, and the commissioner deems it necessary and appropriate for the filing, investigation, and resolution of wage claims.

Ch. 1090 (SB 1418) Davis. Forestry: arson.

Existing law provides for the Department of Forestry to pay a reward to any person, except as specified, whose information leads to the arrest and conviction or commitment to a public facility of any person who willfully and maliciously sets fire, or attempts to set fire, to any property included in a state responsibility area.

This bill would authorize peace officers designated by the Director of Forestry to expend funds the director deems necessary, from funds appropriated for the support or use of the department, to purchase evidence and to employ operators to obtain evidence in cases of arson to any property in a state responsibility area.

The bill would also require the director, prior to January 1, 1987, to report to specified committees of the Legislature with respect to the total amount of funds expended under the program, the effectiveness of the program in obtaining information about arson, and any recommendations for improving the program.

Ch. 1091 (SB 1787) Petris. Fire protection and resource management.

The Budget Act of 1984 appropriates \$25,447,000 for the support of the California Conservation Corps and appropriates \$690,000 to the corps for local assistance to the East Bay Regional Park District.

This bill would repeal the appropriation for local assistance and would increase the appropriation for the support of the corps to \$690,000 by reducing reimbursements to \$6,373,000. The bill would specify that \$690,000 of the appropriation for the support of the corps be expended for conservation and fire protection activities in the East Bay area of northern California.

The bill would take effect immediately as an urgency statute.

Ch. 1092 (SB 1933) Campbell. Fire protection: State Fire Marshal.

(1) Existing law prescribes a procedure for the disposition of fines and forfeitures, but does not require that $\frac{1}{2}$ of all fines and forfeitures, collected in any court of this state, as a result of citations issued by the State Fire Marshal or salaried deputy state fire marshals employed by the state, for violations of prescribed provisions of law relating to the State Fire Marshal and general provisions respecting fire protection, be paid to the state and the other half to the county in which the offense was committed.

This bill would impose such a requirement. It would create certain new duties for the county treasurer and county auditor to facilitate its provisions and in this regard, would create a state-mandated local program. It would also create new administrative duties for the Controller.

It would require that the portion of these fines and forfeitures paid to the state, as a result of citations issued by the State Fire Marshal or salaried deputy state fire marshals, be deposited in the California Fire Service Training and Education System Fund for appropriation by the Legislature to the State Fire Marshal to support fire training.

(2) Existing law contains a California Fire Service Training and Education Program established in the office of the State Fire Marshal, which remains in effect only until January 1, 1985.

This bill would extend this program to January 1, 1991, as specified.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1093 (SB 1978) Robbins. Pet cemeteries.

Existing law does not require that property dedicated to pet cemetery purposes be

held and used exclusively for those purposes.

This bill would require that property dedicated to pet cemetery purposes be held and used exclusively for pet cemetery purposes, unless and until the dedication is removed from all or any part of it by an order and decree of the superior court, as specified. It would also require a maintenance fee to be charged to pet owners whose pets will be buried in the cemetery.

Ch. 1094 (AB 1609) N. Waters. Counties: purchases.

Existing law authorizes the purchasing agent in counties with a population of less than 900,000 but more than 168,500 to engage independent contractors to perform services for the county and its offices, with or without the furnishing of material, where the aggregate cost does not exceed \$16,250.

This bill would repeal that provision and would revise other specified population and cost criteria which determine the duty or authority of a county purchasing agent to engage independent contractors to perform services for the county

Ch. 1095 (AB 2537) Felando. Handicapped parking: enforcement.

Existing law does not specifically authorize counties or cities to establish special organizational units to enforce state and local parking restrictions

This bill would authorize every county and city to establish a special enforcement unit solely to enforce laws on disabled persons' parking spaces. The bill would authorize counties and cities to adopt employment guidelines to encourage and enable [the employment of]* qualified disabled persons in these units. The bill would specify certain items of cost and compensation for members of the unit. Under the bill, these persons could issue parking citations, but could not make arrests. The bill would require motorized wheelchairs used by this unit to be equipped with a headlamp and stoplamp

Ch. 1096 (AB 2822) Robinson. Unclaimed personal property. escheat.

Existing law provides that designated unclaimed personal property escheats to the state, subject to certain conditions

This bill would, in addition, provide that [sums of]* money ordered by a court or ~~public~~ [an administrative]* agency to be refunded by a business association and which have remained unclaimed for more than one year, as specified, shall escheat to the state.

This bill would apply to all funds held by business associations on or after January 1, 1977, and which remain undistributed by the business association as of January 1, 1985.

Ch. 1097 (AB 3385) Farr. Cities: special districts.

Existing law prescribes proceedings for an existing special district to be merged with, or reorganized as a subsidiary district of, a city when the boundaries of the city are changed to encompass all or a specified portion of the district.

This bill would prohibit any new proposal for a merger or establishment of a subsidiary district involving the same district to be filed with a local agency formation commission, on or after January 1, 1985, within 2 years if the voters rejected the initial proposal, but would permit the local agency formation commission to waive the prohibition against new proceedings if it finds the prohibition to be detrimental to the public interest.

Ch. 1098 (AB 3555) Costa. Fish and game: prizes: gill or trammel nets: permits. fees

(1) Under existing law, it is unlawful to offer a prize for the taking of any fish, excepting trout, striped bass, and, under a permit, black bass. Awards of \$200 or less and specified contests are not subject to the prohibition.

This bill would revise the exception to require a permit for awards for the taking of trout, striped bass, and black bass and would expressly make the permit exception for trout, but not striped bass and black bass, subject to the \$200 or less and contest exclusion.

(2) Under existing law, the Director of Fish and Game is required to establish a fee for gill net use permits as necessary to cover the cost of issuing the permits.

This bill would, instead, require the director to establish a permit fee as necessary to cover the reasonable cost of issuing gill net and trammel net permits

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Depart-

ment of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1099 (AB 3899) Naylor. Unemployment: educational institution.

Existing law prohibits an individual from receiving unemployment compensation benefits, extended duration benefits, and federal-state extended benefits for services performed in the employ of certain specified entities for any week which begins during the period between 2 successive academic years or terms, or during a paid sabbatical, or during a customary vacation or holiday if the individual performs the services immediately prior to these periods of time and there is a "reasonable assurance" that the individual will perform the services immediately following these periods of time. In addition, the individual is prohibited from receiving the above benefits if the services performed, pursuant to a contract with certain employers, for an academic year or term, constitute one-half or more of the total employment time for which the individual was paid by that employer.

This bill would additionally prohibit an individual from receiving these benefits during these periods of time, and subject to the same conditions of these provisions, if the services are provided to, or on behalf of, an educational institution, with specified exceptions.

This bill would incorporate additional changes in Section 1253.3 of the Unemployment Insurance Code, proposed by SB 1671, to be operative only if SB 1671 and this bill are both chaptered and become effective on or before January 1, 1985 and this bill is chaptered last.

Ch. 1100 (AB 4026) Condit. Transportation: transit: farebox ratio requirements

(1) Under existing law, transportation development funds may only be allocated to an operator pursuant to the Mills-Alquist-Deddeh Act if the operator, with specified exceptions, maintains a specified ratio of fare revenues to operating costs in the current fiscal year.

This bill would require the Department of Transportation to prepare a specified report on these fare revenue requirements and to submit the report to the Legislature not later than August 31, 1985

(2) Existing law requires the Secretary of the Business, Transportation, and Housing Agency and the Controller to charge for the cost of their services in administering the Mills-Alquist-Deddeh Act and to be paid those charges by deducting the amount of the costs from the portion of the sales and use taxes collected by the State Board of Equalization pursuant to the [for purposes of that]* act

This bill would require the board to further deduct an amount sufficient to reimburse the department for its costs in preparing the report required by this bill.

(3) The bill would take effect immediately as an urgency statute.

Ch. 1101 (SB 856) Watson. Evidence.

Existing law prohibits any requirement that a witness or victim in any sexual assault prosecution submit to a mental examination. However, the California Constitution provides that relevant evidence is admissible, except as provided by statute enacted by $\frac{2}{3}$ vote of the membership in each house of the Legislature.

This bill would provide that the constitutional provision shall not limit the statutory provisions relative to mental examinations in sex crime cases

The bill would take effect immediately as an urgency statute.

Ch. 1102 (SB 2109) Marks. Property taxation: welfare exemption

Existing property tax law provides for a welfare exemption under which, among other things, property used exclusively for housing and related facilities for elderly or handicapped families and financed by the federal government pursuant to certain federal acts and owned and operated by religious, hospital, scientific, or charitable funds, foundations, or corporations meeting specified requirements is exempt from taxation

This bill would provide that the financing of that property is not limited to federal financing pursuant to those certain federal acts in terms of the property's eligibility for

the exemption. It would clarify that such property be used exclusively for low- and moderate-income elderly and handicapped families, as defined. It would also specify that those provisions are declaratory of existing law

This bill would also provide for a partial exemption for property which would otherwise be exempt under the foregoing provisions except that some of the housing and related facilities are used by other than low- and moderate-income elderly and handicapped families.

This bill would also provide that no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to this bill

Ch. 1103 (AB 2490) Agnos. Employment: alcoholic rehabilitation.

Existing law does not require a private employer regularly employing 25 or more employees to reasonably accommodate any employee who wishes to voluntarily enter and participate in an alcoholic rehabilitation program

This bill would so require, provided that the reasonable accommodation does not impose an undue hardship on the employer. It also would require the employer to make reasonable efforts to safeguard the privacy of the employee as to the fact that he or she has enrolled in an alcoholic rehabilitation program, and would permit an employee to file a complaint with the Labor Commissioner pursuant to specified provisions if the employee believes he or she has been denied reasonable accommodation.

This bill would also provide that an employer need not provide an employee with time off with pay, but would permit an employee to use sick leave to which he or she is entitled for the purpose of entering and participating in an alcoholic rehabilitation program.

This bill would also state the intent of the Legislature with regard to the bill

Ch. 1104 (AB 2836) Lewis. Housing. development projects.

Under existing law a local agency may disapprove a housing development project or approve it upon the condition that the project be developed at a lower density, if the local agency finds that specified conditions exist.

This bill would require a city, county, or city and county to bear the burden of proof that those conditions exist, in any action taken to challenge the validity of the decision to disapprove the project or approve it upon the condition that the project be developed at a lower density

Ch. 1105 (AB 2873) Papan. Advisers to STRS and PERS: corporate matters.

The existing statutes authorize the investment of moneys of the State Teachers' Retirement System and the Public Employees' Retirement System in corporate stock, subject to specified constitutionally imposed conditions and limitations; vest exclusive control over the administration and investment of the respective funds in the Teachers' Retirement Board and the Board of Administration, respectively, require each board to appoint officers and employees, provide for employment of investment counsel, as specified; permit, under specified conditions, contracting with qualified investment personnel with specified investment expertise to render service in connection with each board's investment program, and require retention by each system, by contract, of not less than 2 separate individual investment advisers with funding therefor by a continuous appropriation from the respective retirement fund

This bill would require each board, respectively, to either contract with, or establish and fill a full-time position for, a person who is experienced and knowledgeable in corporate management issues to monitor each corporation any of whose shares are owned by the system and to provide specified advice regarding share voting and shareholder responses. This bill would also continuously appropriate, without regard to fiscal years, sufficient funds from the Teachers' Retirement Fund and the Public Employees' Retirement Fund, respectively, to pay all costs arising from these requirements.

Ch. 1106 (AB 3356) Floyd Veterans' Home of California. hospital: air-conditioning

Existing law provides for the Veterans' Home of California as a residence and care facility for aged and disabled veteran residents of California

This bill would require the Department of Veterans Affairs to revise the master plan

construction schedule for the home to accelerate the installation of air-conditioning in the hospital and related buildings and would direct the department to consider in this connection whether construction of a new hospital facility would be more cost-effective than renovation of the existing facility. The bill would require the department to submit the revised schedule to the Legislature by November 1, 1984. The bill would appropriate \$91,000 from the Special Account for Capital Outlay in the General Fund to the department for purposes of the bill during the 1984-85 fiscal year for expenditure according to a prescribed schedule. The bill would require the Governor's Budget for future fiscal years to include funding for those air-conditioning projects as provided in the revised schedule. The bill would permit the department to advertise for bids, but not to award any contract, for a master plan project in advance of funding for the project, and would require the department to obtain a federal commitment for partial funding, as stated, before awarding any contract.

The bill would take effect immediately as an urgency statute.

Ch 1107 (AB 3820) Papan. Schools. removal of chemicals.

(1) Existing law does not require the removal of chemical compounds from schools. This bill would require the State Department of Education, in cooperation with the Division of Occupational Safety and Health, to formulate a listing of chemical compounds used in school programs, as specified.

The bill would require the Superintendent of Public Instruction, in cooperation with the Division of Occupational Safety and Health, to develop guidelines for school districts for the regular removal and disposal of all chemicals whose estimated shelf life has elapsed.

The bill would impose a state-mandated local program by requiring each school district to certify to the Superintendent of Public Instruction whether it is in compliance with the guidelines.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 1108 (SB 608) Speraw. Funeral processions

(1) Existing law makes it a misdemeanor to willfully fail to comply with any lawful order, signal, or direction of any uniformed peace officer performing duties under the Vehicle Code. However, nothing in present law expressly makes it an offense to disregard traffic signals or directions of a peace officer authorized to escort a funeral procession.

This bill would impose a state-mandated local program by making it an infraction to disregard traffic signals or directions given by a peace officer authorized to escort funeral processions, if the peace officer is escorting a funeral procession and is in uniform. This change would be operative only if SB 185 is enacted and makes specified changes.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1109 (SB 666) Presley. County expenses: courts.

(1) Under existing law, the actual and necessary expenses of specified county officers and employees, judges of justice courts, and other county officers and employees as authorized by the county board of supervisors, incurred while traveling to and from and while attending the annual association conventions of such officers and employees are chargeable against the funds of the county without limitation as to the amount budgeted or appropriated therefor.

This bill would make this provision applicable to any elected county officer, and in so doing would impose a state-mandated local program. It would delete certain other enumerated officers and employees for whom the expense of attending the annual association convention would be a county charge and provide, instead, that the board of supervisors may require prior approval by the board of supervisors for any other officer or employee to incur such expenses as county charges.

(2) Under existing law, if the board of supervisors of a county does not provide the trial courts in that county with sufficient facilities, supplies, and personnel for the transaction of the business of the courts, the courts may direct the sheriff to provide same.

This bill would provide instead that the court shall first notify the board of supervisors of its needs. If the board of supervisors fails to provide anything necessary to the conduct of the functions of the court, the court would be authorized to order the appropriate county officers to provide same.

(3) Existing law requires the court in a capital case to assign counsel to a defendant who is unable to employ counsel or who refuses to employ counsel. In a noncapital case, the court is required to assign counsel to a defendant who desires and is unable to employ counsel.

This bill would provide that in a capital case, the court may appoint an additional attorney as cocounsel for the defendant, as specified, and would state the intent of the Legislature in this regard.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(5) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 1110 (SB 1334) Ellis. Vehicles. size, weight, and load. exceptions: local government.

Under existing law, authorized emergency vehicles owned or operated by a governmental entity are exempt from Vehicle Code restrictions relating to size, weight, and load when being used in responding to and returning from emergency fire calls in combatting and suppressing fire. The exemption also applies when moving such a vehicle in anticipation of this emergency use. Under existing law, damage to highways and highway structures caused by operation of these oversize or overweight vehicles is the responsibility of the governmental agency operating the vehicle.

This bill would authorize other vehicles owned, operated, or rented by [a state agency,]* a county flood control district, or a flood control and water conservation district to operate on the highway, exempt from the restrictions on size, weight, and load during emergency calls and in anticipation thereof, if specified verbal permission is obtained and a written permit is obtained within 3 days following the emergency. The bill would also declare that the state is not liable for damage to highways or highway structures caused by vehicles operated, pursuant to the bill, by or on behalf of a local governmental entity.

Ch. 1111 (SB 1455) Marks. Land use.

Existing provisions of the California Land Conservation Act of 1965 (the Williamson Act) make various legislative findings and declarations regarding the public interest in the protection and preservation of agricultural land.

This bill would make an additional legislative declaration regarding the public interest in the retention by local officials and landowners of agricultural lands under contract pursuant to the act in parcels large enough to sustain their agricultural use.

Existing provisions of the Subdivision Map Act impose specified limitations on the approval or disapproval by a legislative body of tentative, parcel, or final subdivision maps.

This bill would impose a state-mandated local program by requiring a legislative body to deny approval of a tentative or parcel map relating to a proposed subdivision of land if the legislative body finds that the land is subject to a Williamson Act contract and the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use.

This bill would, for purposes of the aforementioned provisions, establish a presumption based on acreage for determining when parcels of agricultural land are too small to sustain their agricultural use. This bill would also specify that it shall not be construed as limiting the power of legislative bodies to establish minimum parcel sizes larger than those specified by the bill.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1991, the provisions contained in the bill for which state reimbursement is required.

Ch. 1112 (SB 1625) Presley. Municipally owned utilities and City of Norco: privatization project.

(1) Under existing law, a municipal corporation may supply its inhabitants with water, light, heat, power, transportation of persons or property, means of communication, or means of promoting the public convenience as a public utility.

This bill would specifically permit a municipal corporation to furnish means for the collection, treatment, or disposition of sewage for sanitary or drainage purposes under these provisions.

(2) This bill would also specifically permit the City of Norco to authorize, by franchise, license, or service agreement, the construction, maintenance, and operation of a privatization project, as defined, subject to such conditions as it may specify. The bill would specify that this privatization project is not a public utility subject to the jurisdiction and control of the Public Utilities Commission.

(3) The bill would take effect immediately as an urgency statute.

Ch. 1113 (SB 1660) Montoya. Subdivisions: vesting tentative maps.

(1) Under existing law, as prescribed by the Subdivision Map Act, a tentative subdivision map is required to be submitted for approval to the city or county in which the subdivision would be located. A tentative map is made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it, but need not be based upon an accurate or detailed final survey of the property. Under existing law, a city or county may approve or disapprove a tentative subdivision map or may approve the map subject to compliance with conditions which the city or county imposes.

This bill would permit a vesting tentative map, as defined, to be filed whenever the existing subdivision map requires a tentative map to be filed.

Under existing law, a parcel map is required for certain divisions of land, as described, for which a tentative and final subdivision map are not required. Procedures for the filing, processing, approval, conditional approval, or disapproval of parcel maps, are

governed by local ordinances.

This bill would make it optional for a subdivider to file a vesting tentative subdivision map, as defined, where the Subdivision Map Act otherwise requires a parcel map. In so doing, the bill would impose a state-mandated local program by necessitating the processing of vesting tentative maps by a city or county in accordance with statutorily prescribed procedures.

This bill would specify that when a local agency approves or conditionally approves a vesting tentative map that approval would confer a vested right to proceed with development in substantial compliance with specified ordinances, policies, and standards.

This bill would permit the property owner, or his or her designee, to seek approvals or permits from the city or county for development which departs from those specified ordinances, policies, and standards and a city or county could grant the requested approvals or permits to the extent that the requested departure was authorized under applicable law. The filing of a vesting tentative map would not be a prerequisite to approval of any proposed subdivision or for permits for construction or for work preparatory to construction.

(2) Existing law provides for the expiration of an approved or conditionally approved tentative map 24 months after its approval, or after such additional period of time as may be prescribed by local ordinance, not to exceed an additional 12 months.

This bill would specify that the rights conferred by the approval of a vesting tentative map last for an initial period of time provided by ordinance, which shall not be less than one year or more than 2 years, with an automatic extension of that time under certain circumstances.

(3) Existing law specifies the period of time for which an approved or conditionally approved tentative subdivision map remains valid.

This bill would conform another provision to the time periods presently specified.

(4) The bill would become operative January 1, 1986, except for a provision which would require a local agency to establish procedures necessary for the implementation of the above provisions. That provision would become operative January 1, 1985, and would also impose a state-mandated local program by requiring a local agency to adopt those procedures.

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1114 (SB 1840) Foran. Vehicles: leasing and sales.

Existing law, known as the Unruh Act, regulates "retail installment sales." A "retail installment sale" is defined as the sale of goods or the furnishing of services by a retail seller to a retail buyer for a deferred payment price payable in installments. The term "goods" is defined as not including any vehicle required to be registered under the Vehicle Code or any goods sold with such a vehicle if sold under a contract governed by the Automobile Sales Finance Act. The term "services" is defined as not including service contracts which are sold in conjunction with the sale of a vehicle required to be registered under the Vehicle Code.

This bill would revise the definition of "goods" to provide that the term does not include, and thus the Unruh Act does not regulate, the sale of any goods leased with a vehicle required to be registered under the Vehicle Code if leased under a contract governed by the Vehicle Leasing Act. The bill would revise the definition of "services" to provide that the term does not include, and thus the Unruh Act does not regulate, the furnishing of services under service contracts which are sold in conjunction with the lease of a vehicle required to be registered under the Vehicle Code.

Existing law, known as the Vehicle Leasing Act, regulates "lease contracts" which are defined as contracts for or in contemplation of the lease or bailment for the use of a motor vehicle by a natural person for a term exceeding 4 months, primarily for personal, family, or household purposes. A knowing and willful violation of any provision of the

Vehicle Leasing Act is a misdemeanor

This bill would revise the definition of "lease contracts" to provide that the term includes, and thus the Vehicle Leasing Act regulates, contracts for the purchase of services incidental to the lease or bailment for the use of a motor vehicle by a natural person for a term exceeding 4 months, primarily for personal, family, or household purposes. This bill, by broadening the scope of regulation of the Vehicle Leasing Act, expands the scope of an existing crime and results in the mandate of a new program or higher level of service upon local government.

The bill would also require the disclosure in a conditional sale contract regulated by the Automobile Sales Finance Act of (1) on and after July 1, 1985, the fee charged by the seller for certifying that the vehicle complies with applicable pollution control requirements, and (2) the amount of the state fee for issuance of a certificate of noncompliance pursuant to any applicable pollution control statute.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1115 (SB 1896) Petris Office of Administrative Law.

Existing law requires administrative agencies of the state to submit to the Office of Administrative Law a Statement of Review Completion after reviewing the regulations administered by that agency, as required by law.

This bill would require the office to publish each such statement in the California Administrative Notice Register, and would require the office to consider all written comments submitted to it by the public within 45 days of the publication of the Statement of Review Completion.

Existing law requires the Office of Administrative Law to issue an order to show cause why a state administrative regulation should not be repealed for failure to meet the standards specified by law or for failure to meet other statutory requirements.

This bill would require the office to determine by a specified date whether all regulations for which orders to show cause were issued prior to December 31, 1984, meet the standards specified by law. It would provide that if the office does not make the required determination as to any regulation for which an order to show cause was issued and a response received by the specified date, it shall be deemed to meet the standards specified by law and would require a related report to the Legislature, as specified.

Existing law requires the office to review and consider information, as specified, in determining whether a regulation meets the standards specified by law.

This bill would require the office to make its determination within 60 days of receipt of a state agency's response to the order to show cause. It would require the office, in making this determination, to review any written comments submitted to it by the public within 30 days of the publication of the order to show cause in the California Administrative Notice Register, as required by law. It would provide that if the office does not make the required determination within 60 days of receipt of the state agency's response, the regulation shall be deemed to meet the standards specified by law.

This bill would incorporate additional changes in Section 11349.7 of the Government Code, proposed by AB 2399, to be operative only if AB 2399 and this bill are both chaptered and become effective January 1, 1985, and this bill is chaptered last.

Ch. 1116 (AB 2832) Leonard Public social services: intercountry adoptions

Under existing law, the State Department of Social Services licenses county adoption agencies, establishes services incident to adoption in counties which do not have a county adoption agency, administers a program for hard-to-place adoptive children, and provides certain services with respect to intercountry adoptions.

This bill would enact provisions relating to the Intercountry Adoption Program. It would require the department to establish and administer an Intercountry Adoption Program to be carried out by private adoption agencies licensed to perform intercountry adoptions. Investigations done under existing law by the department would be required

to be done, under this bill, by the private adoption agency. It would prohibit county adoption agencies from providing intercountry adoption services, and would prohibit adoption assistance program benefits from being paid on behalf of a child adopted through the Intercountry Adoption Program. It would also prohibit reimbursement to a private agency for intercountry adoption services. This bill would specify the duties and responsibilities of a private adoption agency with respect to intercountry adoptions.

Under existing law, the department is required to submit an annual report to the Legislature regarding the number of approved homes waiting for the placement of an intercountry child.

This bill would repeal that provision.

This bill would take effect immediately as an urgency statute.

Ch. 1117 (AB 3551) Mountjoy. Airports: airport land use commissions.

(1) Existing law prohibits the erection of any structure or the allowing of any natural growth within one statute mile of the boundary of any public use airport of a height constituting a hazard to air navigation, as defined.

This bill would delete the requirement that the structure or growth be within one statute mile of the airport's exterior boundary.

(2) Under existing law, in each county where there is an airport operated for the benefit of the general public and served by a certificated air carrier, there is required to be an airport land use commission or other designated body to formulate a comprehensive land use plan providing for the orderly growth of each airport and the surrounding area.

This bill would instead require counties which have airports served by a scheduled airline to establish an airport land use commission. The bill would also require counties which have airports operated for the benefit of the general public to establish a commission, except that the county would be allowed to adopt a resolution of exemption from that requirement, as specified.

(3) Existing law requires airport land use commissions to formulate comprehensive land use plans providing for the orderly growth of each public airport and the surrounding area.

This bill would prohibit the amendment of the comprehensive land use plan more than once in any calendar year.

(4) Existing law requires every local agency whose general plan includes areas covered by an airport land use commission plan to submit a copy of its general plan or specific plans to the commission. Existing law specifies how the local agency may overrule the commission's plan by making certain findings and taking certain actions thereon.

This bill would specify that, if the local agency has not either revised its general or specific plan consistent with the commission's plan or overruled the commission, the commission may require the local agency to submit all subsequent actions, regulations, and permits to the commission for review until the local agency has revised its plan or overruled the commission. The commission would be required to notify the local agency of any inconsistencies in this regard with the commission, and the local agency could, by a $\frac{2}{3}$ vote of its governing body, overrule the commission. The bill would provide [, until January 1, 1989,]* for the public agency's immunity from liability for personal injury or property damage caused by or resulting from its decision to overrule the commission with respect to any publicly owned airport not operated by the public agency.

(5) Under existing law, the Department of Transportation makes annual payments of \$5,000 from the Aeronautics Account in the State Transportation Fund to public agencies operating airports, to be expended for airport and aviation purposes.

This bill would provide that airport and aviation purposes include expenditures for compatible land use planning in the area surrounding an airport and the activities of an airport land use commission in connection with the preparation of a new or updated comprehensive land use plan.

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill, by requiring the establishment of an airport land use commission in every county with an airport operated for the benefit of the general public, by requiring new duties of these commissions with respect to air navigation obstructions, and by requiring new duties of local agencies with respect to airport land use commissions, would impose a state-mandated local program.

The bill, however, would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(7) The bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(8) This bill would make additional changes in Section 21681 of the Public Utilities Code proposed by AB 2640 to be operative only if that bill and this bill are both enacted and this bill is enacted later.

Ch 1118 (AB 3892) Felando Vehicles- disabled person placards.

(1) Existing law authorizes the Department of Motor Vehicles to issue distinguishing placards to identify vehicles of disabled persons. Existing law specifies the size and color of the placards and requires them to be displayed on the driver's side of the vehicle.

This bill would require the department to issue new placards to replace placards issued before July 1, 1985, and would make all previously issued placards expire on October 1, 1985. The bill would authorize the department to charge a fee for reissuance. The bill would provide that the placards are valid for a period of 2 years. The bill would authorize the department to charge a renewal fee for the placards and to determine their size and color. The bill would delete the existing requirement for display of the placards on the driver's side of the dashboard of the vehicle. The bill would allow only one placard per disabled person, but organizations and agencies transporting disabled persons could apply for a placard for each vehicle used for that purpose. The bill would authorize the department to cancel or revoke a placard for specified cause, and would impose a state-mandated local program by making it an infraction to fail to immediately return a canceled or revoked placard to the department.

(2) Under existing law, the department may require a licensed physician and surgeon to certify a person's disability before issuing a disabled person plate or placard.

This bill would permit a licensed chiropractor to certify disability for this purpose, where based upon loss of both hands, one or more lower extremities, or loss of use thereof.

(3) The bill would appropriate \$200,000 to the department from the Motor Vehicle Account in the State Transportation Fund for the purposes of the bill.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1119 (SB 780) Royce Terrorism

Existing law prohibits the disruption of religious meetings, vandalism against churches, synagogues, and other places of worship, and burning or desecrating religious symbols for the purpose of terrorizing.

This bill would make it a felony for any person who, with intent to cause, attempts to cause, or causes another to refrain from exercising his or her religion or from engaging in a religious service by means of a threat, directly communicated to the person, to inflict an unlawful injury upon any person or property, and it reasonably appears to the recipient of the threat that the threat could be carried out.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Fi-

nance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by creating a new crime.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 1120 (SB 795) Richardson. Credit on term of imprisonment.

Under existing law, inmates are granted a specified sentence reduction for good behavior. Existing law also provides for the denial or loss of credits if an inmate commits prescribed acts of misconduct, including the denial or loss of not more than 180 days of credit for a single act of misconduct which could be prosecuted as a felony whether or not prosecution is undertaken

This bill would provide that not more than one year of credit may be denied or lost for a single act of battery in which great bodily injury is inflicted upon a nonprisoner.

Ch 1121 (SB 1306) Presley. Prison facilities: San Quentin

Existing law requires the Department of Corrections, within 2 years of the completion of new maximum security facilities to house 3,500 inmates, exclusive of those in existence on July 1, 1982, to conduct a cost-benefit analysis of whether to raze or to rehabilitate substantially the maximum security facility at San Quentin State Prison, and to raze or rehabilitate the facility

This bill would delete that provision and state the Legislature's intent to appropriate funds to remedy structural and physical deficiencies at San Quentin in order to comply with a declaratory judgment and permanent injunction.

The bill would require the Department of Corrections to submit a report to the Legislature by June 30, 1987, which sets forth the appropriateness of reducing the custody level of San Quentin State Prison in the context of new maximum security facilities constructed and planned as of that date.

The bill would appropriate \$21,868,000 to the Department of Corrections for the renovation of San Quentin State Prison

This bill would take effect immediately as an urgency statute.

Ch 1122 (SB 1449) Robbins. Insurance assigned risk plans

Existing law provides an assigned risk plan for the equitable apportionment, among insurers, of applicants for automobile bodily injury and property damage insurance who are entitled to but are in good faith unable to procure such insurance

This bill would provide that a participating insurer, agent, or broker to which an application has been assigned may conclusively rely, in issuing a policy, upon the validity of signatures in accepting or waiving coverage, and that the only coverages to be provided and the limits and deductibles thereof are those stated in the application.

Ch. 1123 (SB 1621) Torres. Criminal law

Existing law requires a psychiatric or psychological report to be made with respect to certain prisoners in the custody of the Department of Corrections. It also requires the Director of Corrections to provide facilities and personnel for a psychiatric and diagnostic clinic and such branches thereof as may be required at one or more of the state prisons or institutions.

This bill would require that these reports shall be prepared by a licensed physician, psychiatrist, or psychologist, as specified, and that all required mental health or diagnostic services shall be provided under the supervision of a licensed psychiatrist or licensed psychologist, except as specified. It also would provide that any person employed or under contract to provide mental health diagnostic, treatment, or other services in the state correctional system shall be a physician and surgeon, psychologist, or other health professional, licensed to practice in this state, except as specified

It would also specifically authorize the performance of certain specified activities by physicians and surgeons, including psychiatrists, and psychologists, employed or under contract to provide mental health services by the Department of Corrections

It also would provide that a psychologist who meets certain requirements, and who is employed by a prisoner or his or her attorney to assist in the defense, shall be permitted to visit the prisoner while he or she is in custody.

Ch. 1124 (SB 1736) Deddeh. San Diego Metropolitan Transit Development Board.

(1) Under the Mills-Deddeh Transit Development Act, the San Diego Metropolitan Transit Development Board is created with specified transportation planning and funding powers and a specified membership

This bill would, if the board acquires the San Diego Transit Corporation, increase and revise that membership, specify the manner in which alternate members are appointed to the board, and would make the Governor's appointee to the board the chairman thereof. The bill would also delete a present restriction that no member shall serve as chairman of the board for more than 2 successive terms.

(2) The act requires the Mayor of San Diego to appoint a member of the San Diego City Council to serve as an alternate member of the board. Under the act, alternate members may not vote on the near-term operation plan or annual budget unless they are also elected officials

This bill would repeal the requirement that the mayor make this appointment to the board. The bill would also require the Governor to appoint a resident of San Diego County to serve as an alternate member of the board and would permit alternate members ~~to vote~~* who are not elected officials to vote on those 2 items

(3) Under the act, the board may assume the operation of the corporation after the first segment of an areawide guideway system enters revenue service

This bill would delete an obsolete section of this provision and would specify terms of the acquisition instead of assumption, new duties for the board, and a formula for funding regional transit services provided by the board.

(4) Under the act, the area of the board is specified if it assumes the operation of the corporation

This bill would revise the description of that area if the board acquires the corporation

(5) Under the act, a majority of the members of the board constitutes a quorum for the transaction of business, and official acts of the board require an affirmative vote of a majority of the members.

This bill would revise the voting process for the board if it acquires the operation of the corporation by including an optional system of weighted voting.

(6) Under the act, each member of the board is paid \$75 per day for attendance at a board meeting

This bill would increase that amount to \$100 per day

(7) Under the act, the board is the designated recipient for certain federal funds and is required to establish priority for financing of projects within its area of jurisdiction from funds allocated by the California Transportation Commission for federal urban system projects

The bill would revise the board's duties with respect to allocation and programming of these funds. The bill would delete the requirement that the commission conform to the priority of the board for those projects within the area under the jurisdiction of the board.

(8) The act includes provisions regarding employees' relations, including provisions granting employees the right of self-organization and to engage in concerted activities.

This bill would impose a state-mandated local program by making those provisions applicable to the employees of a nonprofit entity which operates public mass transit services and which is solely owned by the transit development board and would make other revisions regarding employee rights if the board acquires ownership of the corporation.

(9) The bill would make corrective, nonsubstantive changes.

(10) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1125 (SB 1997) Mello. Municipal courts. Monterey and Santa Cruz Counties.

(1) Existing law specifies the number, qualifications, compensation, and classification of municipal court personnel in Monterey County.

This bill would revise the number, qualifications, compensation, and classification of municipal court personnel in Monterey County, thereby imposing a state-mandated

local program.

(2) Existing law specifies the number, compensation, and classification of municipal court personnel in Santa Cruz County.

This bill would revise the number, compensation, and classification of municipal court personnel in Santa Cruz County, thereby imposing a state-mandated local program.

(3) Existing law specifies the number, compensation, and classification of municipal court personnel in San Luis Obispo County.

This bill would revise the number, compensation, and classification of municipal court personnel in San Luis Obispo County, thereby imposing a state-mandated local program.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1126 (SB 2216) Keene. Local legislative bodies. meetings.

Existing law requires, with certain exceptions authorizing meetings in executive session, that the meetings of local legislative bodies be open and public.

Existing law also provides that, with specified exceptions, materials in the possession of governmental entities are public records subject to disclosure.

This bill would permit the legislative body of a local agency to meet in closed session with its negotiator for purposes of giving instructions regarding the price and terms of payment for the purchase, sale, exchange, or lease of property by or for the local agency, under specified conditions.

The bill would also permit the legislative body of a local agency to meet in closed session to confer with its legal counsel regarding pending litigation, under specified conditions. The bill would require the legal counsel of the legislative body of the local agency to prepare and submit to the body a memorandum stating the specific reasons and legal authority for the closed session which would not be a public record subject to disclosure until the pending litigation has been finally adjudicated or otherwise settled.

Ch. 1127 (AB 2350) Naylor. Unemployment insurance: confidential information.

Existing law provides that information obtained in the administration of the Unemployment Insurance Code is for the exclusive use and information of the Director of Employment Development for specified purposes, and is not open to the public.

This bill would require the Employment Development Department, to the extent permitted by federal law, and subject to specified conditions, to disclose to law enforcement agencies specified information concerning any person for which an arrest warrant has been issued for the commission of a felony, and would specify the method to be used by a law enforcement agency to request this information.

Ch 1128 (AB 2556) Harris. Public contracts.

Existing law contains various provisions for public contracts in the Health and Safety Code, the Education Code, and general law statutes.

This bill would repeal many of the above provisions and would add them to the Public Contract Code.

Existing law provides, with regard to both port districts and river port districts, that contracts for the doing of new construction work or the purchasing of supplies, the cost of which exceeds \$25,000, or projects involving maintenance of building and improvements, the cost of which exceeds \$10,000, shall be let by the board upon competitive bidding.

This bill would provide, with regard to both port districts and river port districts, that contracts for the doing of new construction work, the cost of which exceeds \$10,000 rather than \$25,000, shall be let by the board upon competitive bidding.

In addition, the bill would make technical, nonsubstantive changes.

Ch. 1129 (AB 3118) Allen. Work incentive program refugees

Under existing law, recipients of Aid to Families with Dependent Children (AFDC)

are required to register with the Work Incentive Program (WIN) for manpower services, training, and employment as a condition for aid eligibility. Recipients who refuse to participate in the program without good cause are subject to the denial of aid.

This bill would provide that, a refugee, as defined, who is required to participate in the WIN program would be required to participate in programs funded by the federal Office of Refugee Resettlement, if these programs are deemed by the Employment Development Department as appropriate programs to prepare a refugee for employment. This provision would not be operative, however, unless adequate federal funds are obtained for its implementation.

The bill would provide that emergency regulations adopted for purposes of the act by the State Department of Social Services or the Employment Development Department shall not be subject to review and approval by the Office of Administrative Law.

The bill would take effect immediately as an urgency statute.

Ch. 1130 (AB 3789) Seastrand. Water resources flood control. urban creeks.

(1) Existing law requires the adoption by every county and city of a local general plan, including a conservation element for the conservation, development, and utilization of natural resources, which includes rivers and other waters.

This bill would authorize the Department of Water Resources and the Department of Fish and Game to develop site design and planning policies to assist local agencies which request help in implementing the general plan guidelines for meeting flood control objectives and other land management needs.

(2) Under existing law, the Department of Water Resources is not expressly authorized to undertake a program of creek protection, restoration, and enhancement.

This bill would authorize the Director of Water Resources to establish a program of flood control and urban creek restoration, consisting of the development of the capability by the department to respond to requests from local agencies and organizations for planning and design assistance. The department would be authorized to award grants and contracts to local agencies and organizations for purposes of the program.

The bill would also make legislative findings and declarations in this connection, and would specify related matters.

Ch 1131 (AB 3825) Filante District Reorganization Act of 1965.

Existing law does not permit the legislative body of any one of the affected cities involved in a change of organization or reorganization pursuant to the District Reorganization Act of 1965 to commence proceedings for the levy of assessments on real property subject to the change of organization or reorganization prior to the filing of the certificate of completion for the change of organization or reorganization.

This bill would authorize Riverside County and the legislative bodies of certain specified cities in the county to commence proceedings for the levy of assessments or a special tax on such real property for specified purposes prior to the filing of the certificate of completion if the legislative body finds, after considering prescribed matters, that the property is specially benefited by the change of organization or reorganization. It would permit the confirmation of the assessments only upon the completion of the change of organization or reorganization.

The bill would make prescribed acts applicable to the formation and administration of the assessment district, the issuance and sale of bonds representing the assessments, and the funding of designated items. It would also make various other acts inapplicable to the provisions enacted by the bill or to any proceedings carried out under those provisions.

The provisions enacted by the bill would remain in effect only until January 1, 1986, in the absence of further legislation.

This bill would become effective immediately as an urgency statute.

Ch. 1132 (AB 3945) Farr. Property taxation. new construction.

Under existing laws relating to property taxation, property is generally assessed at its 1975 value, as increased by an inflationary rate not to exceed 2% a year. Newly constructed property, as defined, is subject to reassessment.

This bill would provide that the term "newly constructed" does not include any addition to, alteration or reconstruction of, or reconstruction of once extant features of,

a certified historic structure, including, but not limited to, any modifications necessary to comply with Health and Safety Code or handicapped access requirements, so long as that addition, alteration, or rehabilitation is in conformance with "The Secretary of the Interior's STANDARDS FOR REHABILITATION and Guidelines for Rehabilitating Historic Buildings." The bill would require certification, as specified, that these conditions are satisfied. That exclusion would apply only to a dwelling occupied by an owner as his or her principal residence. This bill would define "certified historic structure" and "once extant features" for purposes of its provisions.

Existing law provides that all classifications or exemptions of property for purposes of ad valorem property taxation enacted by the Legislature shall be reimbursed by the state.

This bill would provide that there shall be no reimbursement for property tax revenues lost as a result of this act because the act would implement a proposed amendment to the California Constitution which must be approved by the voters.

This bill would be operative only if ACA 69 of the 1983-84 Regular Session of the Legislature is approved by the voters.

Ch 1133 (SB 50) Presley. Correctional facilities.

(1) Existing law sets forth criteria for the allocation of funds under the County Jail Capital Expenditure Bond Act of 1981 and 1984.

This bill would revise the criteria, and it would set forth a revised plan for the allocation of those funds, as specified.

(2) SB 1306 would appropriate \$21,868,000 from the General Fund for the renovation of San Quentin.

This bill would, if both bills are enacted and this bill is enacted last, change the source of the appropriation to the Special Account for Capital Outlay.

(3) Existing law appropriates \$252,310,662 from the County Jail Capital Expenditure Fund for county jail construction.

This bill would specify that \$62,025,000 of that money is to be allocated for projects in Sacramento County, as specified.

(4) This bill would take effect immediately as an urgency statute.

Ch. 1134 (SB 190) Watson. Facsimiles of legislative bills.

Existing law does not prohibit publication of a writing which purports to be a facsimile of a bill or resolution, or any part thereof, of the California Legislature.

This bill would make it a misdemeanor intentionally, maliciously, with knowledge of the falsity, and with intent to defame a particular legislator, to publish or cause to be published a writing which purports to be a facsimile of an actual bill or resolution, or part thereof, which has been introduced in the Legislature but which is not an exact copy thereof. This bill would exempt from these provisions the print and electronic media and news services.

This bill would also provide that a bill or resolution includes a constitutional amendment for this and related purposes.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would mandate a new program or higher level of service by local government by creating a new crime.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1135 (SB 720) Dills. Public employees.

The existing Public Employees' Retirement Law authorizes deductions from specified payments from the system to retired members and beneficiaries for various specified matters.

This bill would: authorize deductions for payment of charitable contributions under any plan approved, as specified, by the Board of Administration; require the board to determine the additional cost involved; and require the agency receiving the contribu-

tions to pay the additional cost to the board for deposit in the Public Employees' Retirement Fund.

The bill would take effect immediately as an urgency statute.

Ch. 1136 (SB 1016) Montoya. Contractors: exemptions from licensure: energy conservation: report.

The existing Contractors License Law provides that it is a misdemeanor for any person to engage in the business or act in the capacity of a contractor within this state without being licensed, unless the person is exempted from that law and specifically exempts, among others, public utilities.

The bill would prohibit, until January 1, 1991, gas, heat, or electrical corporations and their subsidiaries regulated as public utilities by the Public Utilities Commission from conducting work for which a contractor's license is required, except if the work is performed (1) on the corporation's property, (2) through a contract with a licensed contractor, (3) for low-income citizens pursuant to a program authorized by order of the commission, (4) in furtherance of the generation, transmission, or distribution of electricity, gas, or steam, provided that any such work performed within a structure and beyond a customer's utility meter is necessary to protect public safety or to avoid interruption of service, or (5) to comply with programs or procedures ordered or authorized by the commission not inconsistent with specified objectives.

The bill would also make a statement of legislative intent regarding the enactment of its provisions.

The bill would also require the commission to report to the Legislature on or before June 30, 1986, on the implementation of the above provisions and specific objectives relating to energy conservation development on policies, procedures, and regulations adopted or implemented by the commission to ensure and promote competition in the energy conservation industry.

Ch 1137 (SB 1336) Seymour. Developmental disabilities: regional center costs

Under existing law, the State Department of Developmental Services is required, within the limitation of funds appropriated, to contract with appropriate private non-profit corporations for the establishment of regional centers which are diagnostic, counseling, and service centers for developmentally disabled persons and their families.

This bill would require regional centers to identify and pursue all possible sources of funding for clients receiving regional center services, as specified. This bill would also revise provisions relating to a regional center's collection of certain client information.

Ch. 1138 (SB 1376) Johnson. Occupational safety and health special orders.

Existing law permits an employer to request a hearing on a special order or action ordered by the Division of Occupational Safety and Health to show cause why he or she should not comply with the order or action, and requires the division to conduct the hearing at the earliest possible time. Judicial review would be by the Supreme Court and the courts of appeal.

This bill would instead permit any employer served with a special order to appeal to the Occupational Safety and Health Appeals Board within 15 working days, and would require the appeals board to conduct a hearing at the earliest possible time. Provisions providing for judicial review by the Supreme Court and the courts of appeal would be deleted, but under existing law any person affected by an order or decision of the appeals board may apply to the superior court for a limited review by means of a writ of mandate.

Existing law requires that each citation or order issued by the division be posted at or near each place where the violation occurred for at least 3 days or until the unsafe condition is abated.

This bill would also require that each special order or action ordered by the division be posted in the same manner.

This bill would incorporate additional changes to Section 6318 of the Labor Code proposed by SB 1792, to be operative only if both bills are chaptered and become effective on January 1, 1985, and this bill is chaptered last.

Ch. 1139 (SB 1380) Ellis State highways safety roadside rests.

The California Transportation Commission and the Department of Transportation are required to plan, design, and construct a system of safety roadside rests on the state highway system. The safety roadside rests may contain specified facilities, and the department may authorize the placement of vending machines in safety roadside rests unless prohibited by federal laws, rules, or regulations.

This bill would authorize the department to construct, operate, and maintain up to 6 new safety roadside rest area units as a joint economic development demonstration project and would specify conditions for the demonstration project. Any money received for the demonstration project would be required to be deposited in the State Highway Account in the State Transportation Fund.

Ch. 1140 (SB 1401) Carpenter. Medi-Cal.

Existing law provides for the Medi-Cal program under which public assistance recipients and other categories of low-income persons are provided with basic health care services, including hospital services.

Existing law requires that each inpatient and outpatient hospital claim for Medi-Cal services received by the Medi-Cal fiscal intermediary, shall be paid or denied within 65 days of receipt.

This bill would eliminate this requirement.

Under existing law, the California Medical Assistance Commission negotiates the rates, terms, and conditions for contracts with hospitals for inpatient services to be rendered to Medi-Cal program beneficiaries. This bill would provide that nothing in these provisions or the Budget Act of 1984 would prohibit the commission from adjusting rates paid to hospitals to reflect inflation. It would also state that in this regard, it is declaratory of existing law.

Ch. 1141 (SB 1510) B Greene. Workers' compensation: notice.

Existing law requires an employer to post in a conspicuous location frequented by employees a notice stating the name of the workers' compensation insurance carrier of the employer, or the fact that the employer is self-insured, and who is responsible for claims adjustment.

This bill would also require this notice to include advice as to the employee's right to receive medical care, to select or change the treating physician, and to receive temporary and permanent disability indemnity, vocational rehabilitation services, and death benefits. Failure to provide this notice would automatically permit the employee to be treated by his or her personal physician with respect to an injury occurring during that failure.

This bill would also require an employer to provide an employee, upon request, with a form on which to indicate the name of his or her personal physician.

Existing law requires an employer to give every new employee, either at the time the employee is hired or at the end of the first pay period, written notice of the employee's right to receive workers' compensation benefits should he or she be injured on the job.

This bill would, in addition, require this written notice to contain all of the information required to be on the notice posted at the workplace, discussed above.

This bill would impose a state-mandated local program by requiring public employers to advise employees of their rights and to provide each employee with an appropriate form, and by requiring public employers to revise existing posted notices and notices provided to new employees.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 1142 (SB 1522) Alquist. Driving under the influence of alcohol or drugs: penalties.

(1) Existing law authorizes a court to order impoundment of a vehicle involved in a violation of laws prohibiting driving under the influence of alcohol or drugs, or both, or with a specified blood level of alcohol, if the defendant is the registered owner of the vehicle. The period of impoundment may be from one to 30 days at the registered owner's expense.

This bill would, with specified exceptions, require impoundment in those cases for one to 30 days on a second offense within 5 years, and for one to 90 days on a third or subsequent offense within 5 years.

The bill would impose a state-mandated local program by changing the penalties for the above offenses to include vehicle impoundment.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1143 (SB 1526) Royce. State advisory boards.

Existing law provides that the State Social Services Advisory Board shall be composed of 7 members and that each appointment thereto shall be made by the Governor, with the advice and consent of the Senate.

This bill would expand the membership of this board to 28 members.

The bill would provide that the board shall consist of 4 committees of 7 members each, with the committees to be in the following areas: welfare and social services, life care contracts, community care facilities, and child abuse prevention.

This bill would provide that the Governor shall appoint 5 members of each committee, and subject to the consent of the Senate, the chairperson of each committee. The Speaker of the Assembly and the Senate Rules Committee would each appoint one member to each committee.

Existing law provides for the State Advisory Committee on Child Abuse in order to advise the State Office of Child Abuse Prevention on specified matters.

This bill would abolish the State Advisory Committee on Child Abuse and would provide that the Committee on Child Abuse of the State Social Services Advisory Board shall advise the Office of Child Abuse Prevention, the State Department of Social Services, the Health and Welfare Agency, and the Governor on matters concerning child abuse.

Existing law provides for the Statewide Advisory Committee on Community Care Facilities to advise the State Department of Social Services on matters concerning these facilities.

This bill would abolish the Statewide Advisory Committee on Community Care Facilities, but would require advice to be given to the department by the Committee on Community Care Facilities of the State Social Services Advisory Board.

Existing law provides for the Life Care Contract Advisory Board in order to advise the State Department of Health Services on matters concerning life care programs.

This bill would abolish the Life Care Contract Advisory Board. The bill would, however, provide that the Committee on Life Care Contracts of the State Social Services Advisory Board shall advise the State Department of Health Services on matters concerning life care contracts.

Existing law provides that if the Director of Social Services determines that formal action may be necessary to force compliance by a county with provisions of the Welfare and Institutions Code relating to programs under the director's administration, the director may, after prior notice to the county, as specified, among other things, order the county to appear at a hearing before the director with the State Social Services Advisory Board to show cause why the director should not take administrative action to secure compliance.

This bill would, instead, provide that this hearing shall be before the director and the State Social Services Advisory Board Committee on Welfare and Social Services.

Ch 1144 (SB 1572) Craven. Recreation vehicle· local regulation: occupancy time limitation.

(1) Existing law defines the term "recreational vehicle" for purposes of the Mobile-homes Parks Act, in pertinent part, as a motorhome, travel trailer, travel camper, or camping trailer, with or without motive power and designed for human habitation, for recreational or emergency occupancy.

This bill would redefine the term "recreational vehicle" to include occupancy for human habitation, recreational, emergency, or other occupancy

(2) Existing law contains no provision prohibiting or regulating the imposition of time limitations for occupancy of spaces in recreational vehicle parks by any city, county, or city and county.

This bill would permit any recreational vehicle park owner to apply for an exemption from an ordinance imposing such a time limitation. It would require the city, county, or city and county to grant the exemption unless a specified finding is made, and would thereby impose a state-mandated local program. It would permit the city, county, or city and county when granting the exemption to impose certain conditions, as specified. It would also provide an additional procedure for granting exemptions when the recreational vehicle park is located within a coastal zone, as specified

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(4) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch 1145 (SB 1601) Maddy. Economic poisons. permits

(1) Under existing law, with specified exceptions, any interested person, upon request, is entitled to a hearing before the Director of Food and Agriculture to review the action of a county agricultural commissioner in issuing, refusing, revoking, or suspending a permit to use a pesticide for agricultural purposes. An interested person is also entitled to a hearing before the director, if a commissioner imposes conditions on the permit which are not provided for in applicable state regulations. The hearing is conducted pursuant to specified laws governing administrative adjudication, generally.

This bill would instead authorize any interested person to request the commissioner to review those actions in a specified manner. The bill would require the commissioner, upon receiving a request for a review, to review his or her actions and to render a decision that includes specified findings. The results of the commissioner's review could be appealed to the director on specified issues. The bill would require the commissioner to perform specified duties in connection with the review, thus imposing a state-mandated local program.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(3) The bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 1146 (SB 1734) Robbins Bail.

Existing law does not require surety companies which execute undertakings of bail to keep moneys collected from licensed bail agents as buildup or reserve funds in interest-bearing trust accounts.

This bill would impose that requirement, as specified, would require that the accounts be in California, and would prohibit hypothecation or collateralization of the accounts. It would also require that moneys in those accounts be used to satisfy unfulfilled obligations of undertakings of bail written by the agents from whom the moneys have been collected and to otherwise satisfy obligations owing to the surety by those agents.

Existing law provides for enforcement of a summary judgment against a bondsman in the event of a forfeiture, as specified.

This bill would, in cases where the judgment is appealed, require the undertaking required to be given in the case to be given by a surety other than the one filing the appeal, and to meet other specified requirements.

Ch. 1147 (SB 1752) Boatwright. Municipal courts: Contra Costa County.

(1) Existing law prescribes the number, compensation, and classification of municipal court personnel in Contra Costa County.

This bill would establish the position of temporary court commissioner, upon the adoption of a specified resolution by the board of supervisors, to serve the particular municipal court district in Contra Costa County specified in the resolution, and would prescribe the qualifications and compensation thereof, as specified. Any party to a matter before a temporary court commissioner would be entitled to require reassignment to a judge, court commissioner, or referee of the court.

The bill would also require the clerk of every municipal court in Contra Costa County having a temporary court commissioner to report complaints regarding such commissioner to the Judicial Council, thereby imposing a state-mandated local program by adding to the duties of a local officer. The bill would also require the Judicial Council to report to the Legislature on or before January 1, 1987, regarding the acceptance of temporary court commissioners.

The provisions of the bill would be repealed on January 1, 1988, unless extended by a later enacted statute.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1148 (SB 1771) McCorquodale. Fishing: sport fishing areas accessible to disabled persons.

The Department of Fish and Game is not required by existing law to identify sport fishing areas which are accessible to disabled persons. Existing law requires the Fish and Game Commission to publish booklets containing regulations adopted at specified meetings.

This bill would require the department to identify property it owns or manages that includes areas for sport fishing which ~~is~~ [are]* accessible to disabled persons. The bill would require, beginning with the sport fishing regulations published by the commission in 1986, that the availability of sport fishing areas identified by the department be noted in the booklet, together with specified information.

Ch. 1149 (SB 1796) Rosenthal. Business and professions licensing requirements.

Existing law relating to businesses and professions does not specifically require licensees to complete a course in alcoholism and other chemical dependence.

This bill would require any person applying for a license as a licensed marriage, family, and child counselor, who has matriculated on or after January 1, 1986, to have received instruction in alcoholism and other chemical substance dependence, as specified. The bill would require any person applying for a license as a clinical social worker, on or after January 1, 1985, to have completed adequate instruction and training in the subject of alcoholism and other chemical substance dependency.

The bill would require an applicant for a physician's and surgeon's certificate or a

registered nurse's certificate or a psychologist's license who matriculates on or after September 1, 1985, to satisfactorily complete training in the detection and treatment of alcoholism and other chemical substance dependency

Ch. 1150 (SB 1799) Presley. Marriage, family, and child counselors: interns

Existing law provides for the licensing and regulation of marriage, family, and child counselors. Existing law requires that an applicant for a license to have, among other things, at least 2 years' experience in interpersonal relationships, marriage, family, and child counseling, and psychotherapy under the supervision of a licensed marriage, family, and child counselor, licensed social worker, licensed psychologist, or licensed physician certified in psychiatry, and authorizes an applicant to gain that experience as an unlicensed intern

This bill would prescribe conditions under which unlicensed interns may be employed, the number of interns which may be employed by various licensees, and the notice which must be given the Board of Behavioral Science Examiners upon the termination of an intern's employment.

Ch. 1151 (SB 1853) Torres. Schools: shortage of teachers.

(1) Under existing law, the State Department of Education is required to establish and administer the California Education Information System, in order to keep up to date a basic, integrated, statewide information system for education. The department has various powers and duties in this connection. School districts are required to cooperate and consult in the joint conduct of the system, coordinate information processing activities to preclude duplication of the developmental and operational aspects of the system, and conduct educational information processing activities in accordance with regulations of the State Board of Education with regard to the system

This bill would require that the system include specified information relating to the shortage of teachers in identified subject areas, and would make various legislative findings, declarations, and statements of intent concerning that shortage

This bill would require the Commission on Teacher Credentialing to participate in the system by providing available data regarding enrollment in credential programs, credentials issued in each specialization, and certificated persons in each specialty who are not employed in education, and by collaborating with the State Department of Education in the design and preparation of periodic reports of teacher supply and demand in each specialty and region of the state

This bill would specify that the operation of the system shall be subject to the appropriation of funds in the Budget Act for each fiscal year

This bill would create a state-mandated local program by requiring school districts to compile specified information in conjunction with the system

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that *no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234*, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(3) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch. 1152 (SB 1904) Maddy. California State University exchange of vacant land

Existing law authorizes the Director of General Services to execute grants of real property belonging to the state whenever the property is sold or exchanged.

This bill would authorize the Director of General Services, with the approval of the Chancellor of the California State University, to exchange specified property pursuant to those terms and conditions which, in the opinion of the director, are in the best interest of the state. This bill would also require, as to any property exchanged under

its provisions, that the director except and reserve to the state all mineral deposits, as specified.

Ch. 1153 (SB 1998) Presley. Courts: Riverside County.

(1) Existing law specifies the compensation of superior court commissioners in Riverside County.

This bill would revise the compensation of superior court commissioners in Riverside County, thereby imposing a state-mandated local program.

(2) Existing law specifies the number, compensation, and classification of municipal court personnel in Riverside County.

This bill would revise the number, compensation, and classification of municipal court personnel in Riverside County, thereby imposing a state-mandated local program.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1154 (SB 2014) Vuich. Rural areas: federally financed contracts.

Existing law provides that, until July 1, 1984, substitution of securities provisions shall not be required in contracts in which there will be financing provided by the Farmers Home Administration of the United States Department of Agriculture pursuant to the federal Consolidated Farm and Rural Development Act, as specified.

This bill would extend the application of this provision to January 1, 1987, and would also provide that substitution of securities is not required where the substitution of securities is not allowed by federal regulations or policies, or both.

This bill would provide that any contract which is entered into on or after July 1, 1984, and prior to the effective date of the amendments to Section 4590 of the Government Code made by this bill, which does not provide for the substitution of securities and for which financing will be provided by the Farmers Home Administration shall be deemed to be legally effective and would be confirmed, validated, and declared legally effective to the extent that validation can be effectuated under the California and the United States Constitutions.

The bill would take effect immediately as an urgency statute.

Ch. 1155 (SB 2185) Johnson. State agencies surplus real property

Existing law does not expressly authorize a state agency having surplus real property to exchange that property for privately owned real property located within the Tahoe Basin.

This bill would authorize the Director of General Services, at the request of any state agency having surplus real property outside the Tahoe Basin, to exchange that property for privately owned real property of comparable market value which is located within the Tahoe Basin. The bill would require the director, at least 30 days prior to agreeing to an exchange of properties, to notify the chairpersons of specified legislative committees.

Ch. 1156 (SB 2277) McCorquodale. County recorders: fees.

Existing law prescribes the fees to be charged by the county recorder for filing and recording various instruments.

(1) This bill would, until January 1, 1990, prescribe a \$4 fee for recording and indexing every instrument, paper, or notice required or permitted by law to be recorded, plus \$2 for each additional page or fraction of a page, rather than the present fee of \$1 for filing an instrument, paper, or notice, plus \$2 for recording the first page and \$1 for recording each additional page or fraction of a page.

(2) The bill would, until January 1, 1990, increase from \$6 to \$8 the fee for recording a release of a lien, encumbrance, or notice executed by the state or a local governmental agency, where the original lien, encumbrance, or notice was recorded without fee.

The bill would declare the Legislature's intent with regard to the bill's provisions.

Ch. 1157 (SB 2279) B. Greene. Deaf and hearing impaired: employment services.

Existing law provides employment services to, among others, the deaf and hearing impaired.

This bill would, however, declare the Legislature's findings that the agencies providing these services are not generally adapted to the needs of the deaf and hearing impaired and that employment opportunities for these individuals improve when specialized services are provided to meet their needs.

This bill would list some, but not all, of the services which are to be provided and would require the Employment Development Department to contract with "contractors" as defined, for the delivery of these services.

This bill would require the department to establish criteria for the selection of these contractors and would require the department to coordinate, evaluate, and implement the provisions of this bill, as specified.

This bill would also limit expenditures for administrative purposes to 5%.

This bill would require the State Job Training Coordinating Council to evaluate the provision of services and to report to the Legislature by February 1, 1986.

This bill would take effect immediately as an urgency statute.

Ch. 1158 (SB 2286) Seymour. Student body organizations.

Under existing law, the official student body organization and other auxiliary organizations at any campus of the California State University are required to conduct their meetings in accordance with the provisions of the Bagley-Keene Open Meeting Act. A violation of specified provisions of that act constitutes a misdemeanor.

This bill would, instead, require these organizations to conduct their meetings in accordance with specified provisions requiring open meetings, with certain exceptions. The bill would impose a state-mandated local program, as specified violations of these provisions would constitute a misdemeanor.

This bill would also make provision for elections and judicial determinations in auxiliary organizations.

This bill would specify that the provisions of this bill are applicable to the governing board of any statewide student organization which represents the students of the California State University and student body organizations of the campuses of the California State University.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1159 (SB 2301) Rosenthal. Energy assistance.

Existing law directs the State Office of Economic Opportunity to receive and administer Federal Low Income Home Energy Assistance Block Grants.

The bill would require the office, in determining the amount of emergency assistance to eligible households, under the Energy Crisis Intervention Program, to take into consideration energy variations between counties and baseline territories as established by the Public Utilities Commission.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by requiring community agencies to provide the applicant for benefits with a written statement, as specified, if the applicant is denied benefits.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

Ch. 1160 (SB 2292) Campbell. Hazardous waste.

(1) Existing law requires any person who proposes to become an operator of a solid waste facility to obtain a solid waste facilities permit from the enforcement agency designated by the county, except as specified. Existing law authorizes an enforcement agency to suspend or revoke the permit of a solid waste facility designed to convert solid waste from offsite sources into energy or synthetic fuels if the facility utilizes recyclable materials, as defined, for conversion to energy, as specified.

This bill would require an enforcement agency to include a provision in the permit of such a conversion facility which requires that operating procedures be used to prevent significant quantities of hazardous waste from entering the conversion process, and to ensure that the ash produced is nonhazardous, thereby imposing a state-mandated local program.

(2) Existing law requires the State Department of Health Services to adopt rules and regulations with respect to hazardous waste facilities, including the preparation, adoption, and revising of a listing of the wastes which the department determines to be hazardous.

This bill would require the department to classify as nonhazardous waste, and would exempt from the operation of those provisions, fly ash, bottom ash, and flue gas emission control residues, generated from the combustion of solid waste or biomass material, if these wastes do not contain significant quantities of industrial sludge or hazardous waste, and if the combustion will be adequately monitored and controlled so as to prevent the handling or disposal of any waste in a prohibited manner, unless the department makes a determination based upon a specified testing process. The bill would prohibit the department from repealing or modifying a determination that the ash or residue is nonhazardous, except upon making a specified determination. The bill would require the operator of a solid waste facility which converts solid waste into energy to notify the department whenever specified changes occur. The bill would also prohibit the department from repealing or modifying the classification of this ash or residue made before January 1, 1985, for an individual solid waste conversion facility unless the department determines that certain changes have occurred in the waste combustion process.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1161 (AB 3227) Molina. Job training.

Existing law contains detailed provisions providing job preparation and training services for individuals pursuant to the federal Job Training Partnership Act.

This bill would require that economically disadvantaged women and minorities be served with federal Job Training Partnership Act funds, with respect to Title I and Title II of the federal act, at a rate that approximates their rate of representation and need for job training among the economically disadvantaged within each service delivery area, would require that service delivery area plans contain assurances that these provisions are complied with, and would require the private industry council, if the goals of the plan are not designed to comply with these provisions, to submit its justification for noncompliance to the State Job Training Coordinating Council and the Governor.

Ch 1162 (AB 3270) Campbell. Wildlife. endangered or rare species.

(1) Under existing law, no person may import, or take, possess, or sell, any bird, mammal, fish, amphibia, or reptile, or any part or product thereof, which the Fish and Game Commission determines to be an endangered animal, as defined, or a rare animal, as defined, excepting specified fish and certain previously possessed animals.

This bill would repeal those provisions. The bill would require the commission to establish a procedure for receiving and considering petitions from interested persons to add a species to, or to remove a species from, the lists of endangered species, as defined, and threatened species, as defined. The bill would specify procedures and time limitations for consideration of the petitions. The bill would require proposals for changes to those lists by the Department of Fish and Game to be subject to the same procedure. The bill would require the department to periodically review the listing, as specified

(2) Under existing law, until July 1, 1985, the Fish and Game Preservation Fund is continuously appropriated to the Department of Fish and Game for expenditure to carry out the provisions of the Fish and Game Code.

This bill would require the department to pay the costs of administration of the provisions of the bill from the Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account in the Fish and Game Preservation Fund and, thereby, would make an appropriation.

(3) The bill would provide that it not prevail over, but form a single act with, AB 3309, if both bill are chaptered and this bill is chaptered last

Ch. 1163 (AB 3664) Molina. Domestic harassment.

Under existing law, a person who has suffered harassment, as defined, may seek a temporary restraining order and an injunction prohibiting harassment, except that this provision does not apply to any action in which a specified protective order is issued in a termination of marriage proceeding, a proceeding under the Uniform Parentage Act, a proceeding under the Domestic Violence Prevention Act, or a proceeding under the Fair Debt Collection Practices Act. A violation of such a restraining order or injunction is a misdemeanor

Existing law authorizes the defendant in a proceeding to restrain or enjoin harassment to file a response to the petition to explain, excuse, justify, or deny the alleged harassment

This bill would authorize the defendant at a hearing on the petition for an injunction to file a cross-complaint against the plaintiff.

Existing law provides that married or unmarried parents living together or who have lived together within the past 6 months may seek a protective order to prevent the recurrence of certain acts of abuse or domestic violence

This bill would extend those provisions to include acts of violence by a putative parent against a person who is the parent of a minor child under certain circumstances

Ch. 1164 (AB 3741) Bradley. Taxation.

Existing law, for the purposes of annually adjusting the taxable value of real property for property tax purposes, defines "percentage change in the cost of living" as the percentage change from April 1 of the prior year to April 1 of the current year in the California Consumer Price Index for all items, as determined by the Department of Industrial Relations.

This bill would change the relevant period to December of the prior fiscal year to December of the current fiscal year for purposes of assessment years commencing after January 1, 1985.

Ch. 1165 (AB 3762) Wyman. Owens Dry Lake.

Under Chapter 638 of the Statutes of 1980, \$250,000 was appropriated from the California Environmental License Plate Fund to the State Lands Commission for a research program to study the control of fugitive dust generated from the bed of Owens Dry Lake in Inyo County.

This bill would appropriate \$150,000 from the fund to the commission for expenditure during the 1984-85 and 1985-86 fiscal years to continue that program. The bill would require the commission to report its findings and recommendations to the Legislature at the completion of the program.

Ch. 1166 (SB 2047) Roberti. Small business financing.

Existing law through the California Industrial Development Financing Act provides cities and counties with authority to pass ordinances establishing industrial development authorities which are empowered to issue industrial development revenue bonds under terms and conditions specified in the act

Existing law also authorizes these authorities to levy fees or other charges on, or require deposits from, small business companies receiving financing for projects under the act for the purpose of establishing and maintaining common reserve funds necessary or desirable to secure its bonds or any issuance thereof.

Existing law also provides for the California Industrial Development Financing Advisory Commission, prescribes its membership and duties, and provides that the chairper-

son of the commission shall appoint an executive secretary who shall serve at the pleasure of the commission and shall receive an annual salary which shall not exceed \$50,000.

This bill would provide that the executive secretary shall receive an annual salary to be established by the chairperson of the commission rather than an annual salary which shall not exceed \$50,000.

This bill, in addition, would authorize the California Industrial Development Finance Advisory Commission, when it is more expedient to do so, or at the request of an authority, or both, to issue pooled bonds for small businesses, as specified, based on a combination of small business loan requests, and to levy the above fees or charges to establish and maintain common reserve funds.

In addition, the bill would provide that a small business loan issued pursuant to the act shall be for no less than \$75,000, nor for no more than \$500,000.

Existing law provides that the liability of any common reserve fund with respect to any single issue of bonds of the authority may not exceed the lesser of \$1,000,000 or a sum equal to the unpaid principal, interest, and premium of outstanding bonds of an issue.

This bill would delete this limitation and would require the commission and an authority, subject to the approval of the commission, to establish their own liability limits, as specified.

This bill would also authorize local authorities to enter into joint powers agreements with other local authorities, administered by the commission, to issue pooled bonds.

Ch 1167 (SB 1602) Ellis. District election San Diego.

Existing law specified that a general district election to elect members to the governing boards of special districts, school districts, and community college districts shall be held on the first Tuesday following the first Monday in November of each odd-numbered year.

This bill would allow the governing boards of those districts in the County of San Diego to revise the date for the conduct of their elections to either the day of the statewide direct primary election or the day of the statewide General Election.

Ch 1168 (AB 1716) Filante. Alcohol programs.

Under existing law, counties are required to have an alcohol program and to have an alcohol program administrator. In counties with populations exceeding 200,000, it is required that the alcohol program administrator shall be full time.

This bill would, for a period of 5 years, authorize any county, at its election, to also appoint an alcohol program administrator who is less than full time, when approved by the Department of Alcohol and Drug Programs, on the basis of certain determinations.

Ch. 1169 (AB 1991) Tanner. Consumer warranty protection.

Existing law, the Song-Beverly Consumer Warranty Act, for purposes of the act defines "consumer goods" as meaning any new product or part thereof that is used or bought for use primarily for personal, family, or household purposes, except for clothing and consumables.

This bill would additionally, for purposes of the act, define the term "consumer goods" to also include any new product or part thereof that is leased for the aforementioned purposes.

The bill would also make related changes with respect to leases of both new and used consumer goods.

Ch 1170 (AB 2702) Davis. Child abuse reporting.

Under existing law, persons required to make reports of known or suspected instances of child abuse are immune from civil or criminal liability for making a required or authorized report. Failure to make a required report is a misdemeanor, punishable by confinement in the county jail for a term not to exceed 6 months or by a fine of not more than \$500 or by both.

This bill would provide that such a person may file a claim with the State Board of Control for reasonable attorneys' fees incurred in any action brought against him or her on the basis of making such a report if the court dismisses the action upon a demurrer or motion for summary judgment or if he or she prevails in the action, as specified. An

award of attorneys' fees would be limited to the hourly rate charged by the Attorney General at the time the award is made and to an aggregate amount of \$50,000 or less.

This bill also would increase the fine authorized to be imposed for failure to report child abuse to a maximum of \$1,000

The bill also would include psychological assistants among the categories of persons required to make such a report, thus establishing a state-mandated local program by changing the definition of a crime

The bill would also incorporate additional changes in Section 11165 of the Penal Code contingent upon the enactment and prior chaptering of AB 2709, as specified

This bill would also incorporate further changes to Section 11172 of the Penal Code, contingent upon the enactment and prior chaptering of AB 2710

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1171 (AB 2979) Molna. Consumer protection

Existing law makes various unfair methods of competition and unfair or deceptive acts or practices undertaken by any person in a transaction intended to result or which results in the sale or lease of goods or services to any consumer unlawful.

This bill would make the act of advertising that a product is being offered at a specific price, plus a specific percentage of that price, unlawful unless the total price is set forth in the advertisement and the specific price plus a specific percentage of that price represents a markup from the seller's costs or from the wholesale price of the product.

Ch. 1172 (AB 3087) Hughes. Postsecondary education: student residency requirements.

Under existing law, a student who is a full-time employee of a public postsecondary educational institution, or who is a child or spouse of a full-time employee of an institution, may be entitled to resident classification, as determined by the governing boards, until the student has resided in the state the minimum time necessary to become a resident for tuition purposes.

This bill would also permit a student who is a full-time employee of any state agency, as defined, or who is the child or spouse of a full-time employee of any state agency, to be so entitled to resident classification for tuition purposes

Ch. 1173 (AB 3113) Condit State park system: fees: Golden Bear Pass

(1) Under existing law, any person over 65 years of age having a specified low income, upon application and payment of \$5 to the Department of Parks and Recreation, is required to be issued a "Golden Bear Pass" on an annual basis which entitles the bearer and spouse to free use on any day of the day-use facilities in units of the state park system, except Hearst San Simeon State Historical Monument, Sutter's Fort State Historic Park, and the California State Railroad Museum, under limitations as may be determined by departmental regulation regarding peak hours and contractual arrangements with vendors.

This bill would reduce the age requirement from 65 to 62 years of age and recast the provisions regarding the specification of income of those persons over 62 years of age with limited income to refer to the maximum grant levels in the State Supplementary Payment program, and would change the date on which those income levels are adjusted from July 1 to January 1 each year.

(2) Existing law prohibits the department from granting half price privileges or granting any discount for the use of state park system facilities on the basis of the Golden Bear Pass or any other criterion.

This bill would delete the basis of any other criterion from the prohibition against the department granting any discount or half price privileges.

The bill would also require the department to develop and implement, on or before January 1, 1986, a senior discount program for the use of state park system facilities.

Ch. 1174 (AB 3158) Bradley. Contractors

Existing law provides for the licensing and regulation of contractors by the Contractors State License Board

This bill would revise those provisions of law by: (1) imposing automatic suspension of a joint venture license when any member does not have an active license in good standing; (2) specifying that a corporation license is canceled effective as of the date the corporation dissolves, merges out of existence, or surrenders its right to do business in this state; (3) requiring all licensees to notify the registrar of the board in writing within 90 days of any change of address recorded under the Contractors License Law, (4) providing that an applicant for licensure is subject to specified disciplinary action, including the denial of a license and the issuance of a citation which may contain an order of correction or the assessment of a civil penalty, if the applicant violates specified provisions of the Contractors License Law, (5) providing that the failure to pay a civil penalty or to comply with an order of correction constitutes grounds for the denial of, or refusal to renew, a license; (6) providing that the failure of, or refusal by, a licensee to respond to a written request of the registrar to cooperate in the investigation of a complaint against that licensee constitutes a cause for disciplinary action; (7) providing that the failure of specified licensees, applicants, or registrants to provide information or make available records, under certain circumstances, constitutes a cause for disciplinary action, (8) providing that acting in the capacity of a contractor under any license which has been suspended for any reason constitutes a cause for disciplinary action, (9) providing that the registrar may grant the renewal of a license or registration which has expired under specified conditions, including the payment of specified fees; (10) providing that if a licensee fails to return an application for the renewal of a license or registration as a home improvement salesman, which has been rejected, within 90 days, the application and fee shall be deemed abandoned and the licensee or registrant shall be required to reapply, and (11) authorizing the registrar of the board to review and accept petitions from specified licensees who dispute the cancellation of their licenses or the invalidation of their applications for renewal

Ch. 1175 (AB 3336) Margolin. Human organs. prohibition of sale

Existing law does not make it unlawful to sell a human organ for purposes of transplantation

This bill would make it unlawful for any person to knowingly acquire, receive, sell, promote the transfer of, or otherwise transfer a human organ, as defined, for valuable consideration. The bill would also make it unlawful for any person to remove or transplant any human organ with the knowledge that the organ has been acquired or will be transferred or sold for valuable consideration. The bill would specify that this [latter]* provision does not apply to acts under the Uniform Anatomical Gift Act nor to persons from whom organs are removed, the recipients, or the next-of-kin of those persons, as specified, nor to a physician and surgeon performing a transplant under emergency and life-threatening conditions. Any person violating ~~this provision~~ [either of these provisions]* would be subject to a fine not to exceed \$50,000, or by imprisonment in the state prison for 3, 4, or 5 years, or both.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by creating a new crime and thus requiring cities and counties to provide an increased level of law enforcement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1176 (AB 3716) Johnston. California Cherry Commission

(1) Existing law permits marketing orders, issued under the California Marketing Act of 1937, and various agricultural commissions, to contain provisions for the establishment of prescribed plans for research, advertising, and sales promotion of various agricultural commodities.

This bill would create the California Cherry Commission, with prescribed member-

ship, and prescribe its powers, duties, and responsibilities in carrying out the provisions of the bill. The commission would be authorized to carry on programs of advertising, promotion, and research relating to cherries. The bill would authorize the commission to levy an assessment on shippers, grower-handlers, and processors of cherries, as prescribed, and authorize its expenditure for purposes of carrying out the provisions of the bill, thereby making an appropriation.

The bill, except as necessary to conduct an election, would not become operative until the producers of cherries, by referendum, vote in favor of the bill, as prescribed. The bill would also provide for the suspension and termination of the operation of its provisions and for concluding the operations of the commission.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by creating a new crime.

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1177 (AB 3654) Calderon. Credit services organizations.

Existing law does not regulate companies which advertise that they can cure credit problems, eliminate negative credit reports, establish bank card accounts, or obtain new credit.

This bill would enact the Credit Services Act, and would regulate the advertising and business practices of credit services organizations, as defined. The bill would require a disclosure statement executed between the buyer and a credit services organization, as prescribed. The bill would make any violation of those provisions punishable by imprisonment in the county jail for not more than one year. The bill would also grant jurisdiction in equity to superior courts to restrain and enjoin any violation of the bill, as prescribed. The bill would authorize a buyer to recover damages in addition to the penalty.

The bill would mandate a new program or higher level of service on local governments by creating a new crime.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1178 (AB 3775) Chacon. Community colleges: Community College Extended Opportunity Programs and Services.

Existing law provides for the Community College Extended Opportunity Programs and Services (EOPS).

This bill would restate the legislative intent regarding EOPS, and would require the Board of Governors of the California Community Colleges to adopt rules and regulations establishing the goals of the programs and services. The bill would require the EOPS provided by a community college to supplement the regular educational programs of the community college to encourage the enrollment of students handicapped by language, social, and economic disadvantages, and to facilitate the successful completion of their educational goals and objectives. This bill would require EOPS to be provided by certificated directors and instructors, as well as by counselors and other support staff approved by the governing board of the community college district. This bill would provide that participation in an extended opportunity program or service shall not preclude participation in any other program offered by the community college.

This bill would require the Board of Governors of the California Community Colleges to establish minimum standards for the establishment and conduct of extended opportunity programs and services by January 1, 1986, and to adopt and implement the standards by the beginning of the 1985-86 academic year. Subject to the approval of the Chancellor

of the California Community Colleges, this bill would also require the board to establish procedures for the review and evaluation of the district's EOPS.

In order to be eligible to receive state funding, this bill would require each district's EOPS to meet the minimum standards established by the board, unless the chancellor determines that unusual circumstances merit granting a waiver of any or all of the standards.

Existing law permits a community college district governing board to use any funds under its control not specifically required to be used for another particular purpose for the district's EOPS.

This bill would prohibit the governing board of a community college district from using any funds received from the state for the operation and administration of EOPS to supplant district resources, programs, or services provided under its EOPS.

This bill would require the Chancellor of the California Community Colleges to determine the elements of a statewide data base for the Community College Extended Opportunity Programs and Services, which would be mandatorily used for periodic evaluation of the programs and services. The bill would require the data base to include all information necessary to demonstrate the statewide progress towards achieving the program goals, and would specify certain information to be included in the data base, and certain procedures to be followed in implementing these provisions

This bill would express legislative intent that commencing with the 1986-87 fiscal year, a sum shall be appropriated through the annual Budget Act to the chancellor which is sufficient for the maintenance and operation of the data base, and to reimburse community college districts for costs of collecting the data for the data base.

This bill would, beginning in January 1987, require the chancellor to annually report to the Legislature regarding the number of EOPS students who achieve their educational objectives.

This bill would permit the chancellor to use up to 1% of an amount appropriated by the annual Budget Act for the EOPS program to monitor program activities and to evaluate EOPS offered by districts

This bill would require a task force under the direction of the California Postsecondary Education Commission to be established to evaluate existing supplemental services and financial assistance to EOPS students who transfer to 4-year institutions, and to make recommendations for modification of those services and assistance programs necessary to facilitate the transfer process. The bill would require the task force to be comprised of representatives from all the segments of public higher education and specified state agencies, and would direct the task force to submit a report summarizing its findings and the plan to the fiscal committees of the Legislature by February 15, 1985.

Ch. 1179 (AB 3853) Baker. Diversion.

Existing law relating to diversion of criminal defendants in narcotics and drug abuse cases requires the probation department to report to the court on which community programs the defendant would accept and benefit from.

This bill would require the report to include information on programs of the probation department, and would specify that the court is to make the final determination regarding education, treatment, or rehabilitation for the defendant

The bill would create a state-mandated local program by imposing new duties on local probation departments.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1180 (AB 3878) Filante. Shellfish.

(1) Existing law does not specifically authorize the State Department of Health Services to promulgate regulations on the cultivation and harvest of shellfish for human consumption

This bill would require the department to adopt rules and regulations regarding the

classification and minimum requirements for growing and harvesting areas, relaying and depuration procedures, requirements for aquaculture facilities which are used for the cultivation and production of shellfish, specifications for plant facilities, and for the harvesting, transporting, storing, packing, repacking, and handling of shellfish intended for human consumption. The bill would prohibit the taking, selling, holding, offering, or holding for sale of shellfish from an area the director of the department declares unsuitable for harvesting the shellfish for human consumption. The director of the department, or his or her agent, would also be required to conduct sanitary surveys, as specified, and issue certificates of compliance to growers or harvesters complying with rules and regulations promulgated pursuant to this bill.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by creating new crimes for violations of provisions of this bill and the rules and regulations adopted pursuant thereto.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1181 (AB 3891) Margolin. Medi-Cal. eligibility

Existing law provides for the Medi-Cal program under which various categories of low-income persons are provided with basic health care services.

This bill would provide that in determining Medi-Cal eligibility, available income shall not be deemed to include specified reparation payments by the Federal Republic of Germany made to victims of the Nazi persecution.

The bill would also provide that the State Director of Health Services shall seek federal waivers in order to ensure federal financial participation. The bill would provide that if the Secretary of the United States Department of Health and Human Services makes a final determination that any provision of this bill conflicts with federal law, the State Director of Health Services shall request the Attorney General to seek judicial review of this determination. The bill would specify, however, that even if waivers are not obtained, or if a final judicial decision is rendered holding any provision of this bill in conflict with federal law, the bill should be implemented by July 1, 1985, or the date upon which waivers are obtained, whichever is earlier.

Ch. 1182 (AB 3930) Hayden. Long-term health care facilities

(1) Under existing law, long-term health care facilities are those facilities which maintain and operate 24-hour skilled nursing services for the care and treatment of chronically ill or convalescent patients and are licensed by the State Department of Health Services.

This bill would prohibit any owner, employee, agent, or consultant of a long-term health care facility or member of his or her immediate family, or the representative of a public agency or organization operating within the long-term health care facility with state, county, or city authority, or member of his or her immediate family, from purchasing or receiving any item or property with a fair market value of more than \$100 from a resident of the facility, unless the transaction is made in the presence of a representative of the Office of the State Long-Term Care Ombudsman. It would require these transactions to be recorded by the facility in the personal record of the resident and, to the extent this requirement applies to local agency-operated facilities, it would impose a state-mandated local program. Under the bill, any of the above persons who violate this provision would be required to return the item or property purchased or received or pay the fair market value for the item or property, as specified. A violation of the bill would also be an infraction punishable, as specified, which would also impose a state-mandated local program.

It would exempt resident-made craft items from its provisions.

This bill would impose a civil penalty enforceable by the Department of Aging for violations of these provisions as prescribed.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the

Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch 1183 (SB 986) McCorquodale. Transfers of residential property: disclosures.

Existing statutory law does not expressly require the transferor of residential property containing 4 or less units to indicate in writing to the prospective transferee whether any structural additions or alterations or the installation, alteration, repair, or replacement of significant components of the structures upon the property, completed during the term of ownership of the transferor or of which the transferor has knowledge, were or were not completed under an appropriate construction permit.

This bill would impose that disclosure requirement, except that certain transfers, as specified, would be exempt.

This bill would become operative July 1, 1985.

Ch. 1184 (SB 1549) Rosenthal Energy resources' reports.

(1) Under the State Energy Resources Conservation and Development Act, every electric utility in the state prepares and submits to the State Energy Resources Conservation and Development Commission, on or before March 1 of every even-numbered year, a report specifying 5-, 12-, and 20-year forecasts or assessments of loads and resources for its service area which the commission reviews and evaluates, and on the basis of which the commission prepares a preliminary report of its findings and conclusions of those electric utility forecasts within 6 months of receiving the utility reports. Under the act, the commission also prepares for the Governor and Legislature a biennial report on January 1 of every odd-numbered year and is required to include within this biennial report its final report on electric utility forecasts.

This bill would change the date for submission of the electric utility reports to the commission to on or before June 1 of every odd-numbered year. The bill would extend from 6 months to 9 months the time within which the commission would be required to prepare its preliminary report. The bill would change the date for submission of the commission's final report on electric utility forecasts to on or before June 1 of every even-numbered year, designate this report the electricity report, and require the commission to include in this report its 5- and 12-year forecasts of demand for electrical energy and capacity, which are to serve as the basis for the commission's planning and certification of facilities, and a 20-year forecast to serve as the basis of recommendations to the Governor and Legislature on demand-reduction, conservation, and development. It would require that the final electricity report be separate from, and not included within, the commission's biennial report to the Governor and the Legislature. It would require the commission to publish and distribute the draft final electricity report, which is to contain the commission's adopted electricity forecast, for public comment, to hold one or more hearings, and to accept public comment for not more than 90 days.

(2) Under that act, the commission publishes and submits to the Governor and Legislature annually no later than June 30, a report describing emerging trends relating to supply, demand, and pricing of petroleum and petroleum products and investments in production and refining.

This bill would change the date for submission of this report to November 1 of every odd-numbered year. The bill would require the report to cover use and availability, as well as pricing, of petroleum and petroleum products and synthetic and other fuels. It would require the commission to include in this report its integrated assessment of the need for new resource additions, as stated.

The bill would require the commission to include in the report long range forecasts

of the anticipated supply and price of these fuels, the demand for these fuels in the residential, commercial, agricultural, and industrial sectors, and for electrical generation and transportation. The bill would require the commission to submit a draft copy of the report to the Public Utilities Commission and to include a summary of any comments thereon by the Public Utilities Commission in the final report, as specified.

(3) Under that act, the commission carries out continuing studies, research projects, data collection, and other activities required to assess the nature, extent, and distribution of energy resources to meet the needs of the state.

This bill would direct the commission to prepare and submit a report to the Governor and the Legislature on October 1 of every even-numbered year identifying emerging trends within the residential, commercial, industrial, agricultural, and transportation sectors of the state's economy related to energy conservation, specifying the level of conservation reasonably expected to occur in the forthcoming 5-, 12-, and 20-year periods, and indicating the potential for additional achievable energy conservation.

(4) Under that act, the commission submits to the Governor for inclusion in the budget each fiscal year an integrated program of proposed research and development and technical assessment projects, together with a description of the commission's progress on its programs

This bill would delete these provisions and would instead require the commission to prepare and submit to the Governor and the Legislature on June 1 of every even-numbered year a report describing energy development trends, evaluating the status of both new and existing energy technologies, and identifying barriers to energy resource development, together with the commission's determination of the commercial availability of electrical generation technologies and demand reduction technologies and their feasibility

Ch 1185 (SB 1749) Montoya Employment agencies.

Existing law requires any person who engages in the business of procuring or offering to procure employment for others, as specified, to be licensed as an employment agency.

This bill would include an employment counseling service, as defined, within these requirements. The bill would require an employment counseling service to file a \$10,000 bond as a condition of licensure in addition to other requirements. The bill would require every contract for employment counseling services to be in writing and to contain specified information as well as specified statements, including a statement regarding a customer's right to cancel the contract within 3 days after signing it.

Existing law provides that all books, records, and other papers kept pursuant to the Employment Agency Act shall be open at all reasonable hours to the inspection of specified persons

This bill would provide that if any employment agency also engages in any other business which is not subject to the Employment Agency Act, the records of the licensee pertaining to matters under the jurisdiction of the Bureau of Employment Agencies shall be kept separate and apart from the records of that other business

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a new program or higher level of service upon local governments by adding a crime.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1186 (SB 1794) Seymour. Urban waterfront restoration.

(1) Under existing law, the State Coastal Conservancy is authorized to award grants for various enhancement and restoration projects within the coastal zone, as defined, including providing up to \$50,000 of the cost of preparing restoration plans for an approved urban waterfront project

This bill would, in addition, authorize the conservancy to make loans to public agencies or nonprofit organizations, or any combination thereof, for the full cost of preparing those plans, if prescribed conditions are satisfied. The bill would require that these loans

be repaid when the bonds funding the project are sold and upon terms and at a rate of interest which recovers the costs of the funds to the state.

(2) The California Urban Waterfront Area Restoration Financing Authority Act provides for the issuance and sale of revenue bonds for the purposes of financing coastal and inland urban waterfront restoration projects, as prescribed. The existing provisions define "coastal zone" for the purposes of this act.

This bill would redefine the boundaries of the coastal zone for those purposes.

(3) The bill would take effect immediately as an urgency statute.

Ch. 1187 (SB 2166) Russell. Subdivisions design.

Existing law, contained in the Subdivision Map Act, authorizes a city or county by ordinance, to regulate the design and improvement of subdivisions for which a tentative or final subdivision map or a parcel map is required. For this purpose, the "design" and "improvement" of a subdivision includes, among other things, such specific requirements in the plan and configuration of the entire subdivision and such improvements as may be necessary to insure conformity to, or implementation of, the general plan or a specific plan of the city or county.

This bill would revise the meaning of "design" and "improvement" for purposes of the Subdivision Map Act.

Ch. 1188 (SB 2231) Keene. Mental health

Under existing law, the state provides 100% reimbursement to the county for its payment for the treatment of insane criminal defendants committed to inpatient or outpatient treatment in the community.

This bill would require that the State Department of Mental Health develop a formula to allocate available state funds for these purposes to ensure that all participating counties are funded on an equitable basis.

This bill would incorporate additional changes in Section 5710.1 of the Welfare and Institutions Code proposed by AB 2381 to be operative only if AB 2381 and this bill are both chaptered and become effective on or before January 1, 1985, and this bill is chaptered last.

Ch. 1189 (AB 479) Hauser. Parks and recreation. property exchange.

(1) Existing law does not provide for the sale or exchange of a specified portion of Mendocino Headlands State Park, a unit of the state park system.

This bill would authorize the Department of General Services, upon terms and conditions deemed to be in the best interests of the state, with the approval of the Director of Parks and Recreation and the State Public Works Board, to exchange that property for specified property in the community of Mendocino, subject to specified conditions

(2) Under the Z'berg-Collier Park Bond Act, a local assistance grant was made to the City of Fortuna for park and recreational facilities at Rohner Park.

This bill would authorize the city to move lights acquired and developed with those grant funds from Rohner Park to Newburg Park in the city, provided the city enters into a state grant project agreement with the Department of Parks and Recreation.

(3) The bill would take effect immediately as an urgency statute.

Ch. 1190 (AB 2981) Molina. State employees

(1) Existing law provides an enhanced industrial disability leave benefit for state nonrepresented employees designated by the Director of Personnel Administration who are temporarily disabled for more than 22 consecutive working days through a serious injury, as defined.

This bill would delete the definition of serious injury, would provide this benefit for these employees when temporarily disabled for more than 22 consecutive working days by an injury or type of injury designated by the director as qualifying an employee for these benefits, and would specify criteria to be used by the director in designating the classes of employees entitled to these benefits

(2) Existing law specifies the employer and employee contributions to the Public Employees' Retirement Fund, and makes an alternative, optional "second-tier" retirement plan available to specified state miscellaneous members of the Public Employees' Retirement System

This bill would provide that the normal rate of employer contribution to the retirement fund for a state miscellaneous member shall be 17 604% of the compensation paid to the member.

(3) This bill would approve provisions which require the expenditure of funds of specified memoranda of understanding entered into between the state employer and specified employee organizations.

(4) This bill would approve provisions which require the expenditure of funds in the addendum to the memorandum of understanding between the state employer and the California Correctional Peace Officers Association for Unit 6.

(5) This bill would take effect immediately as an urgency statute.

Ch. 1191 (AB 3210) Farr. Public assistance.

Under existing law, there are specified procedures to be followed in the adoption of regulations by a state agency. However, emergency regulations may be adopted without reference to these procedures when the adoption of the regulations is necessary for the immediate preservation of the public peace, health and safety, or general welfare.

This bill would require regulations adopted implementing the provisions of Chapter 1520 of the Statutes of 1982, relating to exemption of funds for preneed funeral arrangements for welfare recipients, to be adopted as emergency regulations

This bill would also take effect immediately as an urgency statute.

Ch. 1192 (AB 3296) Clute. Mental health.

Existing law provides for the transfer of state hospital patients to a hospital in another state, as specified.

This bill would require the consent of specified persons, or a hearing prior to such a transfer.

Ch. 1193 (AB 3546) Bane. Municipal courts.

(1) Existing law specifies the number, compensation, and classification of municipal court personnel in Los Angeles County.

This bill would revise the number, compensation, and classification of municipal court personnel in Los Angeles County, thereby imposing a state-mandated local program.

(2) Existing law specifies the fees for court forms issued by the municipal courts in Los Angeles County

This bill would revise those fees by requiring the clerk of such a court to collect the same fees collected by the county clerk of Los Angeles County.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1194 (AB 3625) Areias. Municipal courts: Merced and Sonoma Counties.

(1) Existing law provides for the number, compensation, and classification of municipal court personnel in Merced County.

This bill would revise the number, compensation, and classification of municipal court personnel in Merced County, thereby imposing a state-mandated local program.

(2) Existing law provides for the initial appointment of a marshal for the Municipal Court of Merced County by a majority of the judges of the court

This bill would delete the provision for initial appointment of a marshal and provide instead that when a vacancy occurs in the office of marshal for the municipal court of Merced County, a majority of the superior and municipal court judges shall appoint a successor, who shall serve at their pleasure.

(3) Existing law specifies the number, compensation, and classification of municipal court personnel in Sonoma County

This bill would revise the number, compensation, and classification of municipal court personnel in Sonoma County

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the

Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1195 (AB 3886) Molina. Agricultural quarantines.

(1) Existing law authorizes the Director of Food and Agriculture to establish, maintain, and enforce any quarantine regulations that he or she deems necessary to protect the agricultural industry of this state from pests. Pursuant to these regulations, the director may proclaim an area to be an eradication area in order to eradicate or control the subject pests.

This bill would require the director or the county agricultural commissioner, whenever an eradication project in an urban area has been proclaimed in which an economic poison will be aerially applied, to notify persons residing and physicians practicing in the area prior to the economic poison application. The time of delivery, method of distribution, and contents of the notice would be specified in the bill. The bill would require the Department of Food and Agriculture to operate a telephone service to provide information on health issues related to the economic poison to be applied. The notice requirements could be applied at the discretion of the director, as to their practicality, for nonaerial pesticide application. The requirement on the county agricultural commissioner to provide notice would impose a state-mandated local program.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch 1196 (SB 995) Robbins. Insurance. uninsured motorist coverage.

Existing law requires that uninsured motor vehicle insurance covering property damage be offered in connection with motor vehicle liability insurance until January 1, 1989.

Existing law generally requires the insured to have reported the accident involving an uninsured motor vehicle within 3 days in order to receive payment.

This bill would require the report to be made within 10 days.

Existing law permits a named insured to elect to waive uninsured motor vehicle coverage when a vehicle is used or operated by designated persons.

This bill would instead permit the insurer and named insured to agree in writing to waive that coverage when a vehicle is used or operated by designated persons.

This bill would become operative on July 1, 1985.

Ch 1197 (AB 521) Young. Secured transactions.

Existing law provides that, except with respect to certain merchants, no nonpossessory security interest, other than a purchase money security interest, may be given or taken in or to the inventory of a retail merchant held for sale, except in or to inventory consisting of durable goods having a unit retail value of at least \$500 or motor vehicles, house trailers, trailers, semitrailers, farm and construction machinery and repair parts thereof, or aircraft.

This bill would provide instead that except as specified, any nonpossessory security interest in the inventory, other than beer, wine, or liquor, of a retail merchant shall be effective with respect to goods in which the debtor acquires rights before, on, or after July 1, 1985, if certain requirements are met. The bill would also specify that any non-

possessory security interest in the inventory, other than beer, wine, or liquor, of a retail merchant whose sales of goods for personal, family, or household purposes exceeded 75% in dollar volume of the merchant's total sales of all goods during the 12 months preceding the filing of the financing statement perfecting the security interest shall not be valid unless the security interest is a purchase money security interest, as defined, or the security interest secures a debt as to which the secured party has made no restrictions as to use of funds, as specified. The bill would become operative on July 1, 1985.

Ch. 1198 (AB 2505) Vicencia. Transit districts: purchases and contracts.

(1) Under existing law, the purchase by transit districts of materials and supplies or the construction of facilities, or both, in excess of the applicable dollar amount specified in the statutes applicable to a particular transit district are required to be by contract awarded to the lowest responsible bidder.

This bill would exempt from this requirement any transit district's purchase from or sale to any federal, state, or local public agency of real or personal property, and would permit these transactions to be negotiated between the district and the public agency.

(2) Under existing law, the Southern California Rapid Transit District may exempt itself from competitive bidding requirements generally applicable to the district in the case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, when the district board determines, by a $\frac{2}{3}$ vote of all its members, that public interest and necessity require the immediate expenditure of public money to safeguard life, health, or property.

This bill would permit the district, after a $\frac{2}{3}$ vote of the district board, to purchase computers, telecommunications equipment, fare collection equipment, microwave equipment, and other related electronic equipment and apparatus by competitive negotiation, when specified requirements are met. The bill would make provision for a proposer to protest an award of a contract under these provisions and to be afforded a hearing before the board, and would make the board's decision on the protest final.

The bill would specifically include interruption of requirements contracts essential to the provision of daily transit service and catastrophic failure of revenue-producing equipment or facilities among the specified categories of great public calamity pursuant to which the district board may vote to dispense with the competitive bidding requirements. The bill would also authorize the district board to find that the public welfare, in addition to life, health, or property, will be safeguarded by dispensing with the bidding requirements in the case of a great public calamity.

Ch. 1199 (AB 2613) Bronzan. In-home services.

Existing law authorizes an income exemption each month for the amount actually paid toward the cost of in-home supportive services by eligible Medi-Cal recipients.

This bill would state various findings and declarations of the Legislature regarding eligibility for medical and social services pursuant to federal waivers. It would require the State Director of Health Services to apply for additional federal waivers when appropriate to expand the number and types of persons who will be eligible for in-home services, and would require the director to report to the Legislature, as specified, no later than July 30, 1985.

Ch. 1200 (AB 2851) McAlister. Credit insurance.

Existing law sets forth provisions that provide that no creditor shall invoke any creditor's remedy against a debtor because of the debtor's nonpayment of any sum that becomes due during any disability claim period for which credit disability coverage is provided.

With respect to those provisions, existing law imposes various notice requirements upon a debtor.

This bill would define "notice" and would make related changes. It would also provide that certain requirements imposed upon the creditor apply upon initially receiving notice of the debtor's claim of disability. It would provide that with respect to loans or other credit transactions of more than 10 years' duration secured by a mortgage or deed of trust, those provisions apply only to loans and credit transactions for specified purposes relating to the improvement of real property containing 4 or fewer residential units, where specified documents relating to the loan or credit transaction indicate that

purpose. It would also provide that those provisions shall not affect or defeat an interest, acquired after a creditor invokes a creditor's remedy in violation of those provisions, by a bona fide purchase or encumbrancer for value and without notice of a violation.

Existing law provides that every application for, certificate, and policy of credit life or credit disability insurance shall set forth a statement indicating that any preexisting health condition of the applicant may render the coverage void, if that is the case. Existing law provides that, for that purpose, "credit life or credit disability insurance" means insurance on the life or health of a borrower sold by a creditor to provide for repayment of a loan or extension of credit.

This bill would provide that "credit life or credit disability insurance" means insurance on the life or health of any borrower sold by any creditor to provide for the repayment of a loan or extension of credit.

The bill would take effect immediately as an urgency statute.

Ch. 1201 (AB 3128) Leonard. Subdivisions.

Under existing law, parcels of land created prior to March 4, 1972, are presumed to have been lawfully created for purposes of the Subdivision Map Act and local subdivision ordinances if certain conditions are met.

This bill would additionally deem to have been lawfully created, for purposes of sale by other than the owner of record at the time the violation occurred, any parcel in a county of 20,000 square miles or more, created prior to March 4, 1972, in violation of the Subdivision Map Act or local subdivision ordinance, if the seller gives a specified notice to the buyer informing the buyer that the parcel was created in violation of the Subdivision Map Act and that the buyer must obtain a certificate of compliance in order to develop the property.

The bill would accord the buyer specified remedies if the seller failed to provide such notification, and would require the buyer to obtain a certificate of compliance or a conditional certificate prior to obtaining a permit or other grant of approval for development of the property.

The bill's provisions would be repealed as of January 1, 1990.

Ch 1202 (AB 3453) Moore. Crimes.

Under existing provisions of the California Constitution, persons are entitled to release on bail except for, among other things, felony offenses involving acts of violence on another person when the facts are evident or the presumption great and the court finds based upon clear and convincing evidence that there is a substantial likelihood the person's release would result in great bodily harm to others.

This bill would state legislative intent that certain sex offenses are deemed to be felony offenses involving an act of violence and felony offenses involving great bodily harm, for the purposes of those constitutional provisions.

Existing law allows release of specified convicted felons on bail in the discretion of the court.

This bill would require offenders subject to those provisions, who make a motion for release on bail subsequent to a sentencing hearing, to provide notice of the hearing on the bail motion to the prosecuting attorney at least five court days prior to the hearing.

This bill would take effect immediately as an urgency statute.

Ch 1203 (AB 3464) Molina. Public Employees' Retirement System. benefits.

The Public Employees' Retirement Law presently provides for the continuance of a portion of retirement allowances to survivors of retired members and provides that such allowances cease upon a spouse's remarriage.

This bill would provide that survivor continuance allowances payable to surviving spouses upon death after retirement of members shall not cease upon remarriage on or after January 1, 1985, and prohibit any person who, as a result of such a remarriage, would otherwise become a family member, from enrolling in a health benefits plan as a family member. The provision would not be applicable to employees of contracting agencies unless their employer so elected, and the matter would be exempted from employer-employee relations provisions.

Ch. 1204 (AB 3777) Chacon. Schools: bilingual education. waivers.

Existing law requires all principal teachers providing instruction in specified bilingual-crosscultural education programs to be bilingual-crosscultural teachers, as defined, or to be bilingual in English and the primary language of the pupils of limited-English proficiency in the bilingual class and hold an internship credential or an emergency bilingual-crosscultural credential.

Existing law authorizes a school district to request a renewable 2-year waiver for each teacher who is not bilingual-crosscultural but who is enrolled and participating in a program leading to a bilingual specialist credential or a certificate of competence pursuant to specified provisions of existing law. Existing law authorizes teachers under waiver, with the assistance of a bilingual-crosscultural aide, to teach in a program of bilingual instruction mandated under current law for not more than 4 years commencing with the first year that the teacher was under waiver, so long as continuing progress toward the certificate of competence is indicated, as specified.

Existing law specifies that commencing September 1, 1984, all initial waiver applications shall include certification by an approved assessor agency that the applicant teacher is making prescribed progress toward meeting the requirements for the bilingual-crosscultural certificate of competence. Existing law requires that teachers completing the 4th year on waiver establish competency in the 3 areas required pursuant to specified provisions of existing law.

This bill would specify that school districts may request a renewable 2-year waiver which is renewable for one additional 2-year period.

This bill would require all applications for initial waivers to commence on or after July 1, 1984, and applications for 2-year renewals to include certification by the district that the applicant is enrolled in or will be enrolled in approved language, culture, or methodology courses, or a course for the study of language, culture, or methodology meeting the department's adopted standards and criteria, and certification by the employing school district or education agency that the applicant teacher is making progress toward meeting the requirements for a bilingual-crosscultural certificate of competence. This bill would delete the requirement found under current law that teachers completing the 4th year on waiver demonstrate competency in the 3 areas prescribed by specified provisions of existing law.

This bill would require teachers who are on waiver as of July 1, 1984, or whose waiver has expired between June 30, 1983, and September 1, 1984, to be given a one-year extension, renewable for one year, beyond the 4th year on waiver to gain competence in the 3 areas required under specified provisions of existing law.

This bill would require certifications by approved assessor agencies to be provided to the State Department of Education on an annual basis for each of the 6 years that the teacher is on waiver, as necessary.

The bill would take effect immediately as an urgency statute.

This bill would require the State Department of Education to adopt standards and criteria for training programs in language, culture, and methodology for teachers under waiver lacking competency in these areas.

This bill would require an extension of a waiver granted under current law to be granted until July 1, 1985, for teachers teaching in languages for which there is no preparation or examination available for obtaining a certificate of bilingual-crosscultural competence, as determined by the Commission on Teacher Credentialing. This bill would prohibit an extension of a waiver to be granted to teachers under waiver teaching in classrooms utilizing either the Spanish language or the Cantonese dialect of the Chinese language. This bill would make these provisions inoperative on July 1, 1985, and would repeal these provisions on January 1, 1986.

Ch 1205 (AB 3833) O'Connell. Driving offenses.

(1) Under existing law, penalties for convictions of the offense of driving when under the influence of an alcoholic beverage, drugs, or both, with an excessive blood alcohol concentration, or when addicted, are enhanced if there are one or more specified prior offenses resulting in convictions within 5 years of the offense.

This bill would, instead, enhance the penalties if there are one or more separate such offenses resulting in convictions, as specified, and would make legislative findings and declarations in this regard. However, these changes would not affect the penalties applicable to violations committed before January 1, 1985.

(2) Existing law authorizes persons who commit vehicle offenses to be referred to

education, training, and treatment programs. Under existing law, prosecution of the violators of the drinking and driving laws may not be suspended or stayed to allow the accused to participate in specified programs, except after conviction.

This bill would prohibit the suspension or stay for participation in any education, training, or treatment program, except after conviction.

(3) Existing law expressly includes convictions of offenses of former Sections 23102, 23103, 23105, and 23106 of the Vehicle Code as prior offenses for purposes of enhancement of penalties for violations of the drinking and driving laws.

This bill would codify that provision and change the references for purposes of enhancement to other offenses. The bill would make legislative findings and declarations relating to retroactivity

(4) This bill would, on the operative date of AB 3509, incorporate additional changes in Sections 23170 and 23175 of the Vehicle Code proposed by AB 3509, to be operative only if both AB 3509 and this bill are enacted and this bill is enacted last

(5) This bill would incorporate additional changes in Section 23205 of the Vehicle Code proposed by SB 2232, to be operative only if both SB 2232 and this bill are enacted and become effective January 1, 1985, and this bill is enacted last.

(6) This bill would incorporate additional changes in Section 23208 of the Vehicle Code proposed by AB 3720, to be operative only if both AB 3720 and this bill are enacted and become effective January 1, 1985, and this bill is enacted last

(7) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by changing the penalties for a crime

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1206 (AB 3839) Rogers State Long-Term Care Ombudsman: tax-deductible contributions

Under existing law, the State Long-Term Care Ombudsman is responsible for investigating and seeking to resolve complaints and concerns of patients, residents, or clients of long-term care facilities. Existing law authorizes the office of the Ombudsman to solicit and receive funds, gifts, and contributions to support the operations and programs of the office, provided that receipt of these funds does not jeopardize the independence and objectivity of the office

This bill would authorize the office of the Ombudsman to form a foundation eligible to receive tax-deductible contributions, as specified.

The bill would provide that the board would consist of 5 members, to be appointed by the Speaker of the Assembly, Senate Rules Committee, and the Governor.

The bill would require the board to determine by July 1 of each year the amount of funds to be appropriated from the foundation to the Office of the State Long-Term Care Ombudsman for the support of its operations and programs.

Ch 1207 (SB 235) Lockyer Child abduction

Existing law does not make it a crime, in the absence of a court order determining rights of custody of a minor child, for a person having a right of custody to maliciously take, detain, conceal, or entice away the child without good cause, and with the intent to deprive the custody right of another person or public agency also having a right of custody of the child

This bill would provide that such an act is a crime, punishable as specified, thus creating a state-mandated local program.

The bill also would delete a provision of existing law making it a crime for a person, whether within or without the state, to cause a child to be transported out of the state with the intent to deprive another of his or her rights to physical custody over visitation in violation of a custody order, judgment, or decree

It also would make various related changes, including recasting jurisdictional provisions relating to certain crimes involving the taking, detaining, and concealing of minors

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 1208 (SB 1567) Johnson. Municipal courts: Placer, Modoc, Napa, and Shasta Counties

(1) Existing law provides for a constable in each judicial district in which a justice court is established. In proceedings in the justice court, the constable has all the powers and duties imposed by law upon the sheriff with respect to proceedings in the superior court.

Existing law, applicable only to counties of the 34th, 43rd, and 51st classes, permits the board of supervisors to abolish the office of constable and transfer the duties of the constable to the sheriff of the county.

This bill would extend this latter authority to a county of the 54th class

(1.5) Existing law specifies the number, compensation, and classification of municipal court personnel in Placer County.

This bill would revise the number, compensation, and classification of municipal court personnel in Placer County.

(2) Existing law does not authorize a court commissioner for the Napa Municipal Court.

This bill would authorize the judges of the Napa Municipal Court to appoint a court commissioner, and would specify the qualifications thereof and compensation therefor. These provisions would increase the level of service under an existing program, thereby imposing a state-mandated local program, and would be repealed on January 1, 1988, unless extended by a later enacted statute. Any party to a matter before a temporary court commissioner would be entitled to require reassignment to a judge, court commissioner, or referee of the court.

(3) Existing law specifies the number and classification of municipal court personnel in Napa County.

This bill would revise the number and classification of municipal court personnel in Napa County. These provisions would increase the level of service under an existing program, thereby imposing a state-mandated local program.

(4) Existing law provides for one judge of the Redding Municipal Court in Shasta County, and provides for the consolidation of the Redding Municipal Court District with the various justice court districts in Shasta County.

This bill would authorize up to 3 additional judges for the Redding Municipal Court, one additional judge being authorized upon the consolidation of each of 3 specified justice court districts with the Redding Municipal Court and the adoption of a specified resolution by the board of supervisors.

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 1209 (SB 1677) Maddy. Controlled substances destruction.

Existing law provides that at any time after seizure by a law enforcement agency of a suspected controlled substance, that amount in excess of 10 pounds in gross weight may be destroyed without a court order by the chief of the law enforcement agency or a designated subordinate, provided destruction of the controlled substance, and notice thereof to a court, take place as specified.

This bill would provide, in addition, that at any time after seizure by a law enforcement agency of a suspected controlled substance, except marijuana, any amount, as determined by the court, in excess of 57 grams may, by court order, be destroyed by the

chief of the law enforcement agency or a designated subordinate, provided the destruction of the controlled substance, and the application for the order of destruction, are performed as specified. The bill would also revise provisions relating to the destruction of controlled substances with or without a court order to require the retention for evidentiary purposes of representative samples of those controlled substances, as specified.

Ch. 1210 (SB 1728) Dills Polygraph examiners

Existing law prohibits any person from conducting polygraph examinations or from holding himself or herself out as a polygraph examiner on and after January 1, 1984, unless the person is licensed as a polygraph examiner. The law also prohibits the use of any polygraph instrument on and after January 1, 1984, unless approved by the Polygraph Examiners Board.

This bill would extend the above dates to January 1, 1985.

Existing law provides for a Polygraph Examiners Board consisting of 2 polygraph examiners and 3 public members, and specifies the qualifications, powers and duties of the board. The law provides that all members of the board shall serve at the pleasure of the appointing authority. The law requires the board to convene for a hearing when a licensee demands such a hearing within 30 days of the denial, suspension, or revocation of his or her license.

This bill would require that the polygraph examiners initially appointed to the board be licensed by January 1, 1986, and would provide that the members are to serve a term of 4 years rather than serving at the pleasure of the appointing authority.

Existing law requires the Director of Consumer Affairs to issue, suspend or revoke polygraph examiners licenses under specified conditions.

This bill would transfer that power and duty to the Board of Polygraph Examiners and would make related changes.

Existing law makes it unlawful for a polygraph examiner to fail to give notification of a change in his or her principal place of business.

This bill would provide that a violation of the above provision constitutes grounds for disciplinary action rather than a crime.

Existing law authorizes the Director of Consumer Affairs to establish fees within specified limits for the issuance of polygraph examiners licenses.

This bill would delete that provision and would rather specify the fees for those licenses.

Existing law provides that there shall be no fee for a license for an individual employed as a polygraph examiner by the state or any political subdivision thereof.

This bill would delete that provision.

The bill would, on January 1, 1989, repeal provisions relating to the licensing and regulation of polygraph examiners.

The bill would make other related and nonsubstantive changes.

The bill would provide that the act is to take effect immediately as an urgency statute.

Ch. 1211 (SB 2164) B. Greene. Unemployment: training benefits

(1) Existing law establishes a program which provides retraining benefits for workers who have become unemployed and who lack the skills to compete for jobs due to technological advancement.

Existing law also establishes a program to test, by means of a demonstration program, the effectiveness of providing benefits to individuals who lack the skills to be competitive in the labor market during a period of training or retraining to fit these individuals for new jobs in "demand occupations," as defined.

This bill would repeal the first program, would revise the second program to simplify, consolidate, and reauthorize retraining benefits, and would delete from the latter program the provisions relating to the demonstration project.

(2) Existing law prohibits denying benefits to an unemployed individual for any week the individual is in training or retraining with the approval of the director and defines the term "individual" for these purposes.

This bill would expand "individual" to include anyone receiving federally funded employment compensation benefits.

Under existing law, an unemployed individual may apply for a determination of

potential eligibility for benefits during a period of training or retraining, and the determination is required to be issued if the Director of Employment Development finds that certain conditions exist.

This bill would revise this to require the determination to be issued if the director finds either that the training is performance-based and authorized by specified federal law or that the specified conditions exist, and would revise the specified conditions.

Existing law defines various terms in connection with training and retraining programs

This bill would additionally define "performance-based" and would specify the minimum job placement goals for "performance-based" training.

Existing law makes certain unemployed individuals who were laid off due to a plant closure or reduction in employment and who apply for a determination of potential eligibility for additional benefits, eligible for an additional maximum of 26 times their weekly benefit amount.

Existing law makes other individuals who apply for the determination no later than their 14th week of unemployment eligible for a maximum of 52 times their weekly benefit amount.

These provisions are limited in time by current law until either a specified sum is expended from the Unemployment Fund or until July 1, 1984, whichever occurs first.

This bill would impose state-mandated costs by extending the time limitations imposed, thus requiring employers, including local government entities, to continue contributions to the Unemployment Fund for the above purposes

This bill would also revise the provision relating to individuals who apply for a determination no later than their 26th week of unemployment by requiring the Department of Employment Development to notify every individual who applies for unemployment compensation benefits in California of his or her opportunity to receive retraining and extended benefits, pursuant to the provisions of this bill.

(3) Existing law prohibits the payment of benefits during a period of training or retraining if the individual receives benefits, allowances, or stipends pursuant to federal law, except as specified

This bill would expand this prohibition to include benefits, allowances, or stipends received pursuant to state law.

(4) This bill would reauthorize the provisions of existing law and would prohibit individuals determined eligible under existing law from being denied benefits due to the changes made by this bill.

(5) Under existing law, these provisions of law would be repealed as of January 1, 1987

This bill would extend this repeal date to January 1, 1988.

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

This bill would provide that Section 2 of AB 2465, which amends and renumbers Section 1274.3 of the Unemployment Insurance Code, shall prevail over Section 6 of this act if both bills are chaptered

Ch 1212 (SB 970) Richardson. Improper governmental activity State Personnel Board's investigation

Existing law provides that upon request of an employee or former employee, a public entity shall provide for the defense of any civil action brought against the employee for an act or omission in the scope of his or her employment, except as specified

This bill would require a public entity to reimburse a state employee for costs incurred in successfully defending against allegations of use of official authority or influence to interfere with the reporting of improper governmental influence, as specified, and would make an employee who is found to have committed those acts liable for all defense costs, and would require reimbursement to the public entity for those costs

Existing law authorizes the Joint Legislative Audit Committee, upon receiving specific information of improper governmental activity, as defined, to require the Auditor General to conduct an investigation. If the committee determines there is reasonable cause to believe that improper governmental activity has occurred, it is required to report the matter to the Attorney General, among other officials.

This bill would authorize the committee to require the Auditor General to conduct an investigative audit rather than an investigation.

This bill would require a state employee who files a report of alleged improper governmental activity and who also files a written complaint with his or her supervisor or appointing authority alleging actual or attempted acts of intimidation, threats, or coercion or similar acts related to the reporting of that activity, to also file a copy of the written complaint with the State Personnel Board. It would require the State Personnel Board to investigate the complaint and make a report on its findings, and, if requested, all working papers pertaining thereto, available within a specified time period.

This bill would provide that if the findings involve acts by the employee's supervisor or appointing authority, the State Personnel Board, upon request, shall schedule a hearing on the findings. It would authorize the State Personnel Board, under specified circumstances, to order appropriate relief, including reinstatement, backpay, expungement of employee records and reimbursement for costs of the hearing to the complaining employee from funds appropriated to the agency. It would require the State Personnel Board, upon determining that an appointing authority or a supervisor has committed acts of intimidation, threats, or coercion relating to the reporting of improper governmental activities, to cause an entry to that effect to be made in the supervisor's or appointing authority's personnel records.

This bill would also require the State Personnel Board to transmit a copy of an investigative report to the Auditor General containing reasonable grounds for the allegation of, or findings of actual acts of, intimidation, threats, or coercion in violation of law.

This bill would require the reimbursement of costs to a complaining employee who is successful in an action against a state officer or employee who uses or threatens to use official authority or influence to interfere with the reporting of improper governmental activities, as specified.

Existing law provides that any state officer or employee who uses or threatens to use official authority to influence or discourage or interfere with the reporting of improper governmental activities may be liable for civil damages, among other things.

This bill would also provide that adverse action may be taken against any state officer or employee found guilty of violating the above provisions.

Ch. 1213 (SB 1079) L. Greene Environmental quality

Under the California Environmental Quality Act, lead public agencies, state and local, are generally required to prepare or cause to be prepared by contract, and to certify the completion of, an environmental impact report on any discretionary project, as defined, that they propose to carry out or approve which may result in a substantial, or potentially substantial, adverse effect on the environment or, if they determine that a proposed project will not have that effect, to adopt a negative declaration. The act specifies procedures and requirements to challenge a determination, finding, or decision of a public agency under the act, including petitions to the court for an order of administrative mandate, as specified.

This bill would require a court, if it finds, as a result of a trial, hearing, or remand from an appellate court, that a determination, finding, or decision of a public agency has been made without compliance with the California Environmental Quality Act, to enter an order by the issuance of a peremptory writ of mandate including one or more specified orders specifying what action by the public agency is necessary to comply with the act. The bill would require the court to retain jurisdiction over the public agency's proceedings by way of a return to the peremptory writ until the court has determined that the public agency has complied with the act. The bill would also declare that its provisions do not authorize a court to direct any public agency to exercise its discretion in any particular way. The bill would apply to any matter pending before any court on or after January 1, 1985, in which the court has not entered an order, as specified.

Ch. 1214 (SB 1257) Keene State employees' health and dental benefits: permanent intermittent employees.

Existing law provides coverage in a health benefits plan and a dental care plan for state employees, with the state making contributions for a portion of the costs of these plans.

This bill would provide that any permanent intermittent state employee enrolled in a health benefits plan or a dental care plan who would lose these benefits due to a reduction in working hours shall be entitled to have the employee's coverage and the coverage of any family members continued for up to one year upon assuming payment of the contributions otherwise required of the employer on account of the enrollment.

These provisions would become inoperative on July 1, 1985, and would be repealed as of January 1, 1986

This act would take effect immediately as an urgency statute.

Ch 1215 (SB 1611) Mello Protected fish and game penalties.

(1) Under existing law, except as otherwise provided, the maximum punishment for a misdemeanor violation of the Fish and Game Code is \$500, imprisonment in the county jail for 6 months, or both the fine and imprisonment. The court may also, upon conviction, order the forfeiture of any device or apparatus used in the offense. The maximum penalty for certain other violations, including unlawfully importing, taking, possessing, or selling any amphibian, bird, fish, mammal, or reptile that the Fish and Game Commission determines to be an endangered animal or rare animal, or unlawfully taking or possessing fully protected specified amphibians, birds, fish, mammals, or reptiles, is a fine of \$1,000, imprisonment in the county jail for one year, or both the fine and imprisonment.

This bill would, instead, make the punishment for a misdemeanor violation of the Fish and Game Code, not otherwise provided, a fine of not to exceed \$1,000, imprisonment in the county jail for not more than 6 months, or both the fine and imprisonment. The bill would also make the penalty for the unlawful acts relating to endangered or rare animals and fully protected species, except as discussed in (2) below, a fine of not to exceed \$2,000, imprisonment in the county jail for not more than one year, or both the fine and imprisonment. The bill also would require the court to order the forfeiture of any device or equipment used in committing the offense, as specified, and would make this provision applicable to offenses committed by minors. The court would also be authorized to order forfeiture of any proceeds resulting from the unlawful taking of the endangered or fully protected species. The bill would require the department to satisfy liens, as specified, on apparatus or devices sold under the forfeiture provisions.

(2) Under existing law, it is a felony or a misdemeanor to maliciously maim, wound, torture, or mutilate a living animal which is the property of another, which is punishable by imprisonment (a) in the state prison or (b) in the county jail for not more than one year.

This bill would, instead, make it a felony with prescribed penalties, or a misdemeanor with prescribed penalties, to maliciously maim, wound, torture, mutilate, or kill an animal which is the property of another, or, if any of certain specified facts are proven, to maliciously and intentionally maim, torture, or mutilate any specimen of specified endangered animals, rare animals, or fully protected amphibians, birds, fish, mammals, or reptiles.

The bill would also make the proceedings on a charge of the offense subject to the forfeiture proceedings on the offense of taking those species.

(3) This bill would make the amendments to Section 12000 of the Fish and Game Code proposed by SB 1589 prevail over the amendments to that section proposed by this bill if both bills are chaptered, become operative January 1, 1985, and amend Section 12000 of the Fish and Game Code, whether this bill is chaptered before or after SB 1589.

(4) This bill would incorporate the designation of endangered species and threatened species proposed by AB 3270 and AB 3309, to become operative if all three bills are chaptered and become operative on January 1, 1985.

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by creating a new crime and changing the penalty for a crime.

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1216 (SB 1627) Robbins. Insurance: legal liability.

Existing law provides that each insurer transacting insurance covering liability for malpractice of any person licensed under the Dental Practice Act, or under the Medical Practice Act, shall report certain statistics to the commissioner, by profession and by medical specialty, as specified.

This bill would additionally make that provision applicable, in part, with respect to insurers covering liability for malpractice of any person licensed under the State Bar Act.

Ch. 1217 (SB 1663) Marks. Local agencies: allocation of property tax revenues.

Existing law provides for the allocation of property tax revenues by each county auditor among jurisdictions, as defined.

Existing law also provides for adjustments to be made by the county auditors to those allocations as the result of jurisdictional changes involving a city incorporation, the formation of a district, or the alteration of service area or service responsibility of a local agency.

This bill would impose a state-mandated local program by requiring the auditor of the County of Marin to annually allocate to a fire protection district within that county to which fire protection responsibilities were transferred by a city an amount equal to the entire annual tax increment, computed as specified, from the tax rate areas located within the city multiplied by a specific factor, computed as specified. Property tax revenue allocations to other local agencies with property tax revenues from tax rate areas within the city would be reduced accordingly.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill would take effect immediately as an urgency statute.

Ch. 1218 (SB 1667) Rosenthal. Public Utilities Commission. inspection of books and records

Under existing law, the Public Utilities Commission, in the exercise of its jurisdiction over highway carriers, may inspect the books, records, and papers of these businesses.

This bill would specifically permit the commission to photocopy or electrostatically or photostatically reproduce these books, records, and papers at the commission's expense. A carrier would be authorized to determine whether the copying or reproduction is done at its premises or at the offices of the commission and, where copying or reproduction expenses are incurred by the carrier, the commission would be required, upon request, to reimburse the carrier for these expenses.

Ch. 1219 (SB 1672) Seymour. Hazardous substances releases: cleanup cost reimbursement.

Under existing law, any person who negligently sets fire to, or allows fire to escape to, the property of another is liable for the costs of fire suppression. Additionally, existing provisions of the Carpenter-Presley-Tanner Hazardous Substance Account Act create liability for authorized state or local costs incurred to remedy a hazardous substance release or threatened release. Existing law does not expressly make a person liable for the costs of an emergency response to a hazardous substances incident if the costs are not payable under that act.

This bill would expressly create liability for negligence causing public agency costs incurred in an emergency to confine, prevent, or mitigate the release, escape, or burning of hazardous substances, as defined, where necessary to protect the public from a real and imminent threat to health and safety, if (1) evacuation beyond the property of origin is necessary to prevent injury or loss of life, or (2) hazardous substances or fire posing a real and imminent threat to public health and safety go beyond the property

of origin. However, civil liability for costs reimbursed under the Carpenter-Presley-Tanner Hazardous Substance Account Act would be reimbursable under that act, rather than under the bill.

Ch. 1220 (SB 1694) Vuich. Fire prevention and control: county cooperative agreements.

Under existing law, the Director of Forestry, with the approval of the Department of General Services and subject to specified conditions and restrictions, is authorized to enter into cooperative agreements with counties for the purpose of preventing and suppressing forest fires or other fires within the county. Existing law requires those agreements to apportion costs between the state and a county in a specified manner.

This bill would revise the method of apportioning those costs to the county with respect to salary costs.

The bill would take effect immediately as an urgency statute.

Ch. 1221 (SB 1763) Alquist. Petroleum supply: information reports.

(1) Under existing law, known as the Petroleum Industry Information Reporting Act of 1980, major oil producers, refiners, major marketers, major oil transporters, and major oil storers, as defined, are required to supply certain designated information to the State Energy Resources Conservation and Development Commission regarding the supply and pricing of petroleum products. The commission, in turn, is required to make certain periodic reports and recommendations thereon to the Governor and the Legislature. The existing law provides for civil penalties against any person who refuses or delays to submit the required information to the commission or who willfully makes any false statement, representation, or certification in any record, report, plan, or other document filed with the commission. These provisions will remain in effect only until January 1, 1985, unless a later enacted statute which is chaptered before January 1, 1985, deletes or extends that date.

This bill would make changes in what information is required to be reported to the commission, specify the uses and restrictions on the use of specified information by the commission and its employees, and extend the termination date to January 1, 1990, thereby extending the provisions of the Petroleum Industry Information Reporting Act of 1980 for an additional 5 years. The bill would also make related technical changes.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by extending for 5 more years the reporting provisions and, thus, continue the requirement for those local agencies and school districts which are presently required to file reports.

The bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

Ch. 1222 (SB 1806) Garamendi. California Tahoe Conservancy

(1) Under existing law, the California Tahoe Conservancy Agency is a separate agency in state government which is governed by a 7-member governing body. It has specified powers and duties relating to property acquisitions in the Tahoe region, as defined.

This bill would abolish the California Tahoe Conservancy Agency and would establish the California Tahoe Conservancy within the Resources Agency as a successor agency. The governing body of the conservancy would have 7 voting members, including the Director of Finance or the director's designee, and one ex officio nonvoting member. The bill would give the conservancy additional powers and duties relating to acquisitions of property in the Tahoe region. The bill would create the Tahoe Conservancy Fund and provide that money in the fund is available upon appropriation by the Legislature for purposes of the bill. The conservancy would have authority to award grants to local public agencies and nonprofit organizations for property acquisitions. The conservancy

would be authorized to improve and develop acquired lands in conformance with a basinwide management plan. The bill would expand until January 1, 1987, the definition of a natural condition of unimproved public property for purposes of public entity liability provisions.

(2) Under existing law, public land trusts which have specified agreements with the State Coastal Conservancy for lands located within the coastal zone, or with the State Public Works Board or its designee for lands not within the coastal zone, are defined as public entities for purposes of specified public entity liability provisions.

This bill would include public land trusts which have the same type of agreement with the California Tahoe Conservancy for lands located within the Lake Tahoe region within these provisions. The bill would include public land trusts as public entities under these provisions for hazardous recreational activities.

(3) The bill would take effect immediately as an urgency statute

Ch. 1223 (SB 1930) Campbell Pharmacies: voiding of licenses.

Existing law licenses and regulates drug wholesalers and pharmacies and provides for the suspension or revocation of their licenses for violations of provisions of the Pharmacy Law.

This bill would establish a new disciplinary action, the voiding of a license, which would be taken against a licensed wholesaler or pharmacy which remains closed, as defined, during a period of 120 days, other than by the order of the Board of Pharmacy. An opportunity for a hearing with respect to the voiding of a license would be provided if the licensee files a written objection. An opportunity for a hearing would not be provided where the licensee fails to file a written objection.

The bill would provide for the transfer, as specified, by a licensee, or if not done by the licensee, by the board, of all dangerous drugs and controlled substances possessed by a wholesaler or pharmacy which has had its license voided or revoked or which intends to remain closed or discontinues business. The bill would specify the manner in which the proceeds from any sale by the board of dangerous drugs or controlled substances shall be distributed to the board and the licensee.

The knowing failure of a licensee to provide for the transfer of its dangerous drugs and controlled substances, as required, would constitute a misdemeanor.

The bill would also make some technical, nonsubstantive changes to the Pharmacy Law.

This bill would impose a state-mandated local program or higher level of service upon local governmental agencies by creating a new crime.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1224 (AB 838) Cortese Property tax revenues: redevelopment.

(1) The existing community redevelopment law makes provisions for tax increment financing. Existing law specifies that any tax increment is not allocable and payable for the first time until the tax year which begins after the January 1st following the transmittal of various documents.

This bill would impose a state-mandated local program upon counties by providing that a redevelopment agency meeting specified criteria is entitled to be allocated and paid a portion of those taxes for the first time during the fiscal year commencing July 1, 1984. This provision would be repealed January 1, 1986.

The bill would also express the legislative intent to further study and make recommendations on the procedures utilized in determining the exchange of local revenues and develop further legislation which would revise those procedures.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases,

for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would take effect immediately as an urgency statute.

Ch. 1225 (AB 862) Konnyu Small claims court: judgments.

(1) Existing law provides that, if the judgment or order of a small claims court is against the defendant or cross defendant, he or she shall pay the same forthwith or at any time and upon such terms and conditions as the judge shall prescribe.

This bill would provide that, at the option of the judgment debtor, payment of the full judgment of a small claims court may be made to the sheriff, marshal, or constable of the court in which the judgment was entered. The bill would also provide that the marshal or constable shall, upon receipt of payment plus an administrative fee and specified information, remit the payment owing to the judgment creditor. The bill would also provide that the board of supervisors shall set a fee for handling these payments not to exceed the actual costs of administering this provision. These provisions would be repealed on January 1, 1988, unless this date is extended or deleted by the Legislature.

(2) Existing law does not condition the privilege of operating a motor vehicle upon the payment of small claims court judgments.

This bill would authorize certain small claims court judgment creditors whose judgments arose from a motor vehicle accident which has remained unsatisfied for more than 90 days after the judgment becomes final to file a notice, as specified, with the Department of Motor Vehicles.

The bill would require the Department of Motor Vehicles to suspend the privilege of operating a motor vehicle of any person for 90 days upon receiving notice of judgment against that person, except as specified. The suspension would terminate upon proof of satisfaction of judgment or other specified proof. The bill would exempt public agencies from liability caused by suspension pursuant to the above provisions.

These provisions would become operative July 1, 1985, and would be repealed on January 1, 1988, unless that date is deleted or extended by the Legislature.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1226 (AB 1073) Cortese Public moneys. accounting

(1) Under existing law, the legislative body of a local agency may require the treasurer of the local agency to render a quarterly statement showing the amount of accrued interest on deposited funds.

This bill would impose a state-mandated local program by requiring the treasurer or chief fiscal officer to render an annual statement of investment policy to the legislative body of the local agency, and to render a monthly report containing specified information regarding investments and deposits to the chief executive officer and the legislative body of the local agency. This provision would be repealed on January 1, 1991, unless extended or the termination date is deleted by a later enacted statute.

The bill would make a technical change in definitional provisions to expressly include a chartered city or county within the definition of "local agency."

(2) Existing law specifies the permissible investments that may be made of surplus school district funds.

This bill would authorize school districts, county superintendents of schools, and county boards of education to make the same investments of surplus funds as are prescribed for other local agencies.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school

districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

Ch. 1227 (AB 2284) Killea. Minors.

Existing law provides, with respect to a minor who has been adjudged a dependent child of the court and where the court has found that returning the child to the custody of his or her parents would create a substantial risk of detriment to the physical or emotional well-being of the minor, that the court shall develop a permanent plan for the minor and make any of specified determinations and orders in that connection, including an order that the county welfare department or probation department shall facilitate the placement of the minor in a home environment that can reasonably be expected to be stable and permanent if the court finds that the minor is not adoptable and that there is not a suitable adult available to become the legal guardian of the child.

This bill would provide that, in such a case, the court may transfer the care, custody, and control of the minor from the county welfare department or probation department to a licensed homefinding agency for suitable placement, as specified. Insofar as the bill would be applicable to both public and private licensed homefinding agencies and would require certain reports and services to be provided by those agencies, it would establish a state-mandated local program.

The bill would provide that the application of a person who, as a foster parent, has cared for a dependent child for whom the court has approved a permanent plan for adoption, or who has been freed for adoption, for the placement of the child with him or her for adoption, shall be given preference with respect to that child over all other applications for adoptive placement, under specified circumstances.

Existing law provides procedures for changing an order removing a minor from a parent or other person for placement in a foster home, based on a statement of facts to support the conclusion that the previous disposition has not been effective in the rehabilitation of the minor.

This bill would require the statement to support the conclusion that the previous disposition has not been effective in the rehabilitation or protection of the minor.

Existing law requires a probation officer to immediately make an investigation to determine whether to commence proceedings in the juvenile court because the probation officer has cause to believe there is or was residing within the county a minor who comes within specified descriptions relating to being a dependent child of the court. Existing law does not require that investigation if the minor is delivered or referred to a public or private agency with which the city or county has an agreement or plan to provide shelter care, counseling, or diversion services to minors so delivered, unless that agency requests the probation officer to do so.

This bill would delete the authority of the agency to request the probation officer to make an investigation and instead require the agency, as it deems necessary, to make an investigation to determine the disposition of the minor so referred and initiate a service program for the minor, as prescribed.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 1228 (AB 2285) Killea. Smoke detectors

Under existing law, various provisions relate to fire protection and fire safety.

This bill would require that every single-family dwelling, used manufactured home, used mobilehome, and used commercial coach, sold on or after January 1, 1986, have an operable smoke detector, with specified exceptions. Procedures would be established for attaining this result, and the bill would provide for damages in cases of failure to comply. The bill would not invalidate local ordinances relating to smoke detectors, if they satisfy the minimum requirements of the bill. The bill would require, except as specified, that every deposit for receipt or addenda attached thereto in a real estate transaction involving the sale of a single-family dwelling, as described, shall contain a notice concerning the smoke detector requirement imposed by this bill.

It would provide that its provisions do not apply to dwellings intended for human occupancy, as defined and regulated by a specified provision.

This bill would be a state-mandated local program by creating a new crime.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1229 (AB 2363) Farr. Economic development.

Existing law establishes the California Industrial Development Financing Act to promote and enhance economic development and to increase opportunities, for useful employment by, among other things, providing an alternative method of financing the acquisition, construction, or rehabilitation of specified facilities.

(1) Existing law authorizes the issuance of revenue bonds for and on behalf of private enterprise to facilitate the acquisition of specified types of property suitable for or evidencing an obligation respecting certain activities. Existing law also prohibits the development of industrial parkland pursuant to these provisions.

This bill would authorize the acquisition and development of industrial parkland on certain sites, as specified, pursuant to these provisions. This bill would state the criteria to be used in determining whether the revenue bond method of financing may be made available to convert an abandoned plant site or a site that has been prepared for use by means of an Urban Development Action Grant into an industrial park. This bill would also provide that projects for the acquisition and development of industrial parkland, or the construction of certain types of buildings and facilities on industrial park sites prepared for use by means of an Urban Development Action Grant, shall be approved without regard to estimates of future employment, if specified public purposes are demonstrated.

(2) Existing law authorizes a local governing body, in its sole discretion, to declare itself the board of directors of an industrial development authority.

This bill would provide that a local governing body that has so declared itself may undertake various required actions on a joint and consolidated basis.

(3) Existing law limits the aggregate principal amount of bonds of an issue pursuant to these provisions to not more than \$10,000,000.

This bill would exclude from this limitation an issue of bonds for the development and acquisition of certain industrial parkland sites specified in (1) and would define the term "development" for these purposes.

(4) Existing Personal Income Tax Law provides, for purposes of the computation of personal income taxes, that gross income does not include income which this state is prohibited from taxing under the Constitution or laws of the United States or under the Constitution of this state. Existing Personal Income Tax Law also provides that exempt-interest dividends, as defined, paid by a diversified management company of which 50% of the value of its total assets consists of bonds issued by this state or a local government in this state shall be treated as interest excludable from income by the recipients thereof.

This bill would specify that income which the state is prohibited from taxing includes interest on bonds issued by this state or a local government thereof, the determination of which shall be made without regard to certain criteria. This bill would also modify the definition of an exempt-interest dividend issued by a diversified management company. This bill would state that the provisions of the bill contained in this paragraph (4)

are declaratory of existing law.

(5) This bill would take effect immediately as an urgency statute.

Ch. 1230 (AB 2434) O'Connell. Hazardous waste. transportation: licenses issued by the California Highway Patrol.

(1) Under existing law, a person producing hazardous waste is required to provide to the person transporting the waste, as specified, a list of specified content, and the person who is transporting the waste is required to have that list in possession while transporting the waste. Persons hauling hazardous waste are required to be registered, as specified. Violations of the provisions are subject to criminal and civil penalties and actions for injunctions.

This bill would revise these provisions by requiring a person producing a hazardous waste to provide the person who will transport that waste with a completed Uniform Hazardous Waste Manifest which would be required to be used only for specified purposes. The bill would require the State Department of Health Services to determine the form and manner in which the manifest is to be completed and the information which the manifest shall contain, as specified. The bill would specify procedures for transferring and submitting the manifest and would require any person transporting waste, as defined, who is provided with a manifest to comply with specified hazardous waste transportation requirements while transporting that waste.

The bill would require that information required and collected to obtain registration as a hazardous waste hauler be recorded and maintained in the management information system of the Department of the California Highway Patrol. The bill would impose criminal penalties upon persons who transport, produce, receive, store, or dispose of hazardous waste, or who submit hazardous waste for transport, in violation of specified provisions or regulations adopted by the State Department of Health Services concerning the transportation of hazardous waste, and would impose criminal penalties upon persons who transport any waste for which there is provided a manifest, in violation of these provisions or regulations. The bill would also provide that the person who prepares the manifest, if other than the producer, is liable for these criminal penalties if the person violates these provisions.

The bill would make other conforming changes.

(2) Existing law specifies a procedure to make as codefendants specified persons connected with crimes relating to the transportation of hazardous waste.

This bill would expand these procedures to include additional crimes relating to the transportation of hazardous waste.

(3) Existing law authorizes the Commissioner of the California Highway Patrol to issue licenses for private ambulances, armored cars, fleet owner inspection and maintenance stations, and for the transportation of hazardous material, including explosives. Under existing law, the term of these licenses is 12 months.

This bill, which would apply only to licenses to haul hazardous materials established on or after January 1, 1982, would authorize the commissioner to issue licenses from 6 to 18 months (with prorated fees) for the purpose of staggering license renewals.

(4) Existing law makes it a misdemeanor for any person to withhold information regarding real and substantial danger to the public health or safety when the information has been requested by the Department of the California Highway Patrol in writing and is necessary to carry out the department's responsibilities under hazardous waste provisions.

This bill would impose a state-mandated local program by deleting the requirement that the department's request have been in writing.

(5) This bill would incorporate changes to Section 25191 of the Health and Safety Code proposed by AB 4038 if both bills are enacted and this bill is enacted after AB 4038.

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by creating new crimes concerning the handling of hazardous waste and by requiring local agencies which handle hazardous waste to follow certain requirements.

The bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(7) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 1231 (AB 2465) Chacon Unemployment: training.

Under a demonstration project authorized by existing law, an unemployed individual who has been laid off from work as a result of a plant closure or a substantial reduction in employment at the individual's most recent workplace at the time the individual filed a claim for unemployment insurance benefits, and who is receiving those benefits, is eligible for additional weeks of unemployment compensation benefits if the individual applies by December 31, 1985, and the Director of Employment Development makes specified findings, including, among others, that the lack of demand for the individual's skills is the result of a decline in demand, expected to continue for an extended period of time, and is not the result of a seasonal fluctuation.

This bill would delete the requirement that the director make the above finding that the decline in demand is expected to continue and is not the result of a seasonal fluctuation.

This bill would impose a state-mandated local program by providing additional weeks of unemployment insurance benefits for employees laid off as a result of seasonal fluctuation.

This bill would incorporate additional changes in Section 1274.3 of the Unemployment Insurance Code, proposed by SB 2164, to be operative only if SB 2164 and this bill are both chaptered and become effective January 1, 1985.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

Ch 1232 (AB 2511) Lancaster. Courts

(1) Under existing law, the salary of a superior court commissioner in San Bernardino County is 75% of the salary of a superior court judge.

This bill would increase the salary of a superior court commissioner in San Bernardino County from 75% to 80% of the salary of a superior court judge; provided, that upon the adoption of a specified resolution by the board of supervisors, it would be further increased to 85% of the salary of a superior court judge.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1233 (AB 2852) Margolin. Community care facilities: foster family homes.

The existing California Community Care Facilities Act permits community care facilities to provide incidental medical services. However, if these services constitute a substantial component of the services provided by the facility, the California Community Care Facilities Act does not authorize these incidental medical services to be provided under the facility's license.

This bill would authorize the provision of in-home medical care for ventilator-depend-

ent children, as described, to children in foster family homes and would provide that these services shall not be considered as a substantial component of the services provided by the licensee. The bill would require that the ventilator-dependent child receive medical supervision and case management under the California Children's Services Program and that the in-home medical care be provided by a licensed home health care service agency. The bill would provide that the State Department of Social Services shall not evaluate or have any responsibility or liability for the evaluation of these medical services. Since under existing law the violation of the provisions of the California Community Care Facilities Act is a misdemeanor, this bill would be a state-mandated local program.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1234 (AB 2948) Johnston. Small school districts: deferred maintenance

Existing law [, commencing June 26, 1984]* permits the State Allocation Board to reserve up to ~~5%~~ [10%]* of the funds transferred to the State School Deferred Maintenance Fund for increasing the apportionments to school districts in instances of extreme hardship. The State Allocation Board is required to determine that certain conditions of extreme hardship exist in the district, and the district is required to repay the increased apportionment by reducing apportionments in future years.

This bill would [reduce the amount which the State Allocation Board may reserve for these apportionments to 5% of the funds transferred to the State School Deferred Maintenance Fund, and would]* restrict these apportionments to school districts with more than 2,500 average daily attendance in the prior fiscal year.

This bill would also require the State Allocation Board to reserve 5% of the funds transferred to the State School Deferred Maintenance Fund for increasing the apportionments to school districts in instances of extreme hardship, if the district had less than 2,501 average daily attendance. The State Allocation Board would be required to determine that certain conditions of extreme hardship exist in the district, and would be authorized to require a contribution by the district. The bill would also specify that the board is authorized to waive repayment by the district when those conditions of extreme hardship are found to exist or to reduce apportionments in future years to offset the increased apportionment.

Ch. 1235 (AB 3081) Robinson. Product development

Existing provisions of the Small Business Development Corporation Law provide for the creation of small business development corporations, urban development corporations, and rural development corporations, and the allocation of funds by the Small Business Development Board to those corporations for use as loan guarantee funds for specified purposes.

This bill would authorize the Office of Small Business Development, after the approval of the Small Business Development Board, to establish a program through which urban and rural small business development corporations may make aid available to small businesses for product development. Return on investment would be derived from royalties. Corporations would be authorized to use up to $\frac{1}{10}$ of the amount within their regional loan guarantee fund for those investments.

The bill would require the Small Business Development Board to report to the Legislature on the program by December 31, 1986.

The act would remain in effect until July 1, 1987, when it would be repealed.

Ch. 1236 (AB 3125) Wyman. Unemployment overpayment recovery

Existing law authorizes the Director of Employment Development to do any or all of certain specified acts in the recovery of overpayments of unemployment compensation benefits.

This bill would additionally authorize the director to initiate summary judgment

proceedings against the liable person by filing, not later than one year after the overpayment became final, as defined, a certificate containing certain specified information with the county clerk of the county from which the overpayment occurred.

This bill would also authorize recording an abstract, or a copy, of the judgment with the county recorder of any county which shall constitute a lien against all real or personal property of the liable person in that county, as specified, and would authorize extension of the lien, as specified. Execution upon a judgment under this bill would issue in the same manner as other judgments.

Under existing law, the director is required to enforce collection of any judgment obtained in a civil action and to deposit the amounts collected in the fund from which the overpayment was made, except that collection costs are required to be deposited in the Unemployment Administration Fund.

This bill would additionally require that amounts collected pursuant to a specified statutory provision be deposited in the Benefit Audit Fund.

Ch. 1237 (AB 3132) Molina Property taxation: change in ownership statements

Existing law provides for the filing of a change in ownership statement containing specified information, including a prescribed notice, whenever a change in ownership of real property or a mobilehome subject to local property taxation occurs. The statement is required to be filed with the recorder together with any transfer document evidencing a change in ownership which is filed with the county recorder for recordation or with the assessor within 45 days of the date of the change in ownership if the transfer document is not filed for recordation.

This bill would impose a state-mandated local program by requiring the assessor and the recorder to make available, without charge and upon request, preliminary change in ownership reports, in a specific form, which transferees of real property may complete and file concurrently with the recordation of documents evidencing a change in ownership. This bill would permit the State Board of Equalization to revise the reports, as necessary, to maintain statewide uniformity in their contents.

This bill would permit the recorder, with certain exceptions, to charge an additional specified recording fee if a document evidencing a change of ownership is presented for recordation without the concurrent filing of a preliminary change of ownership report.

This bill would apply to changes of ownership occurring on or after July 1, 1985.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1238 (AB 3201) Elder Pipelines

(1) Under existing law, the California Pipeline Safety Act of 1981, the fire department and the local agency having jurisdiction are required to be notified of a break, fire, or explosion in a pipeline and those agencies are required, in turn, to notify the State Fire Marshal of the break, fire, or explosion.

This bill would also require immediate notification of the State Fire Marshal of any break, fire, or explosion involving a pipeline and would delete the requirement that the local agency or fire department notify the State Fire Marshal.

(2) Existing law requires operators of hazardous liquid pipelines to install certain equipment and to test the pipeline, as specified.

This bill would prohibit any person, other than a pipeline operator, from building specified structures within or adjacent to a pipeline easement, the pipeline of which is placed in service on or after January 1, 1986. The bill would prohibit installation of shrubbery or shielding on the pipeline easement which would impair aerial observation of the pipeline easement.

The bill would specify that this provision does not prohibit a pipeline operator from performing certain activities.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the

Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by prohibiting certain actions within or adjacent to pipeline easements, the violation of which is a crime.

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1239 (AB 3279) Filante California Tahoe Conservancy.

(1) Under existing law, the California Tahoe Conservancy Agency is a separate agency in state government which is governed by a 7-member governing body. It has specified powers and duties relating to property acquisitions in the Tahoe region, as defined

This bill would abolish the California Tahoe Conservancy Agency and would create the California Tahoe Conservancy within the Resources Agency as a successor agency. The governing body of the conservancy would have 7 voting members, including the Director of Finance or the director's designee, and one ex officio nonvoting member. The bill would give the conservancy additional powers and duties relating to acquisitions of property in the Tahoe region. The bill would create the Tahoe Conservancy Fund. The conservancy would have authority to award grants to local public agencies and nonprofit organizations for property acquisitions. The conservancy would be authorized to improve and develop acquired lands in conformance with a basinwide management plan. The bill would expand until January 1, 1987, the public entity liability definition for a natural condition of unimproved public property for real property acquired under the conservancy provisions.

(2) Under existing law, public land trusts which have specified agreements with the State Coastal Conservancy for lands located within the coastal zone, or with the State Public Works Board or its designee for lands not within the coastal zone, are defined as public entities for purposes of specified public entity liability provisions.

This bill would revise the requirements for agreements and would include public land trusts which have the same type of agreement with the California Tahoe Conservancy for lands located within the Lake Tahoe region within these provisions. The bill would include public land trusts as public entities under these provisions for hazardous recreational activities.

(3) The bill would take effect immediately as an urgency statute.

Ch 1240 (AB 3309) Costa. Fish and game: endangered species

(1) Existing law prohibits, except as specified, the importation, taking, possessing, or sale of any bird, mammal, fish, amphibia, or reptile which the Fish and Game Commission determines to be an endangered animal, as defined, or a rare animal, as defined.

This bill would repeal those provisions and enact the California Endangered Species Act, which would apply to endangered species, as defined, and to threatened species, as defined. Both of these categories of species would include, among other things, plants. The bill would require the commission to establish a list of endangered species and a list of threatened species. The bill would require the commission to add or remove species from either list if it finds the action is warranted, as specified.

The bill would prohibit the importing, exporting, taking as defined, possessing, purchasing, or selling of endangered species or threatened species, except as provided.

The bill would require until July 1, 1987, each state lead agency, as defined, to consult with the Department of Fish and Game on every project under the California Environmental Quality Act, and would require the department to require reasonable and prudent alternatives or measures, as described, specified by the department, except as provided.

Under existing law, violations of the prohibitions added or changed by the bill are crimes, and, thus, the bill would impose a state-mandated local program by changing the definition of a crime and creating new crimes.

(2) Under existing law, until July 1, 1985, the Fish and Game Preservation Fund is continuously appropriated to the Department of Fish and Game for expenditure to carry out the provisions of the Fish and Game Code.

This bill would require the department to pay the costs of administration of the California Endangered Species Act, as provided in the bill, from the Endangered Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account in the Fish and Game Preservation Fund and, thereby, would make an appropriation

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(4) The bill would provide that it not prevail over, but form a single act with, AB 3270, if both bills are chaptered and this bill is chaptered last.

Ch. 1241 (AB 3391) Moore. Public Utilities Commission rules of procedure compilation.

Under existing law, the Public Utilities Commission establishes its own procedures for the conduct of hearings and proceedings, and is required to transmit to the Office of Administrative Law for publication in the California Administrative Code only those regulations that do not relate to the establishment of rates or otherwise pertain to the regulation of public utilities and other related businesses subject to the commission's jurisdiction.

This bill would require the commission to periodically, at least once a year, compile its rules of procedure together with every order and decision relating to the conduct of hearings and proceedings. The bill would direct the commission to prepare and submit to the Legislature on or before January 1, 1986, a report consisting of its first compilation.

The bill would appropriate \$90,000 to the commission for purposes of this bill and \$25,000 to the commission for purposes of AB 3178, as specified

Ch 1242 (AB 43) Mountjoy. State highways noise attenuation barriers

Under existing law, the Department of Transportation is required to develop and implement a priority system, on the basis of specified criteria, for ranking the need for installation of noise attenuation barriers along freeways in the California freeway and expressway system and, consistent with available funding, to begin a program of construction of noise attenuation barriers.

This bill would include, as one of the criteria in determining priorities, whether a majority of the occupants in close proximity to the freeway resided there prior to the adoption of the freeway routing by the California Transportation Commission

This bill would correct an obsolete reference.

Ch. 1243 (AB 2277) Connolly. Foods. chemical and pesticide residues.

Existing law does not require the State Department of Health Services to prepare and submit to the Legislature a program for detecting and monitoring chemical and pesticide residues in processed foods.

This bill would require the department to prepare and submit such a program to the Legislature, and would require the department, in preparing the program, to take various prescribed actions. The bill would require the department to design a sampling and testing program, as prescribed.

It would define processed food for purposes of its provisions

Ch 1244 (SB 1615) Petris. Fiscal affairs: long-range forecasts and expenditures

(1) Existing law requires the Commission on State Finance to provide the Legislature, the Governor, and the public with forecasts of state revenues, current year expenditures, and the surplus or deficit at least 4 times a year.

This bill would also require the commission to prepare long-range forecasts of revenues and expenditures for each of the 4 years and for the 9th year beyond the budget year.

(2) The bill would appropriate \$20,000 to the commission to implement the provisions of the bill.

Ch. 1245 (SB 2144) Montoya. Bureau of Collection and Investigative Services.

Existing law specifies the fees to be charged by the Bureau of Collection and Investigative Services for licenses issued pursuant to the Repossessors Act, the Private Investigators Act, and the Alarm Company Act. The law requires that if there are any surplus funds in the Private Investigators Fund equal to or more than the proposed operating budget for regulation of private investigators and alarm company operators and alarm agents during the next 2 years, license and other fees shall be reduced.

This bill would revise the fees to be charged by the bureau for licenses issued pursuant to the above acts and would add provisions relating to the renewal of licenses or certificates issued under the above acts

The bill would, in addition, revise provisions relating to the qualified managers, repossession employees, and conduct of business of licensed repossession agencies, as specified

The bill would take effect immediately as an urgency statute.

Ch 1246 (AB 2703) Sher. Minors.

Under existing law, a minor may be declared free of the custody and control of either or both of his or her parents on any one of specified grounds.

This bill would provide that a minor who has been adjudged a dependent child of the juvenile court on the basis of severe physical abuse by a parent inflicted when the minor was under 3 years of age, as defined, who has been removed from parental custody, and concerning whom the juvenile court has found that attempts at reunification with his or her parent or parents would be detrimental, may be so declared.

Under existing law, no dependent child may be taken from the physical custody of his or her parents or guardians unless the juvenile court finds that any one of several circumstances is established by clear and convincing evidence; certain findings with regard to danger to a minor's physical health and sexual abuse of a minor are among those circumstances. The juvenile court is required to periodically review the status of a minor who has been adjudged a dependent child of the court and placed in foster care; such a review must take place no less frequently than once every 6 months until a permanency planning hearing is completed. The permanency planning hearing with regard to the minor must be conducted no later than 12 months after an initial out-of-home placement and periodically thereafter, as specified. At the review hearing, the court is required to order the return of the child to the physical custody of his or her parents or guardians unless, by a preponderance of the evidence, it finds that return of the child would create a substantial risk of detriment to the physical or emotional well-being of the minor. The probation department has the burden of establishing that detriment

This bill would establish a separate category authorizing the removal from the custody of a parent or guardian of a minor who was made a dependent child of the court because he or she, while under the age of 3 years, was a victim of severe physical abuse, as defined, by any parent or guardian seeking custody of the minor, or by any person sharing the home of the parent or guardian at the time that he or she seeks custody. The use of this category would be limited to cases in which an allegation of severe physical abuse is made by the probation officer in the petition to have the child declared a dependent child of the juvenile court. In any such case, the probation officer would be required to submit a report to the court at a review hearing within 6 months of the removal as to whether it would or would not be detrimental to the minor to attempt reunification of the family. If the court finds that it would be detrimental to the minor to attempt to reunify the family, the court would be required to immediately conduct a permanency planning hearing. The probation department would have the burden of establishing that detriment by a preponderance of the evidence. It also would make related changes.

This bill would also incorporate certain changes made to Section 366.25, Welfare and Institutions Code, made by AB 2515 (Ch. 419, Stats. 1984) and AB 2880 (Ch. 190, Stats. 1984). It also would make additional changes in Section 232, Civil Code, and Sections 361, 366, and 366.25, Welfare and Institutions Code, contingent upon the enactment of SB 1293, AB 2712, or any of those bills, as specified.

Ch. 1247 (SB 972) Mello. Historical resources: City of Soledad

Under existing law, the state quitclaimed a parcel of real property including an historic adobe structure to the City of Soledad, subject to reversion to the state if the property is not used as specified.

This bill would authorize the Director of General Services to sell the state's reversionary interest in the approximately 9.6 acre Los Coches Wayside Park to the city for such consideration and upon such terms and conditions as the director deems appropriate.

The bill would also declare that a specified lease of the property by the city does not violate the terms of the quitclaim deed and would make other related declarations.

Ch. 1248 (SB 1123) Watson. Public assistance recipients. restoration of aid.

Existing law provides that whenever a former recipient of public assistance requests restoration of aid within one year after aid has been terminated, the recipient is not required to complete a new application, but must file an affirmation of eligibility, and with respect to recipients under the Aid to Families with Dependent Children (AFDC) program, the recipient would be required to complete a certificate of eligibility.

This bill would create a state-mandated local program by providing that, under these circumstances, the former recipient shall not be required to furnish any documentation in order to renew his or her eligibility unless the documentation is absent from the existing file and the documentation affects eligibility or amount of aid for the month of restoration.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1249 (SB 1251) Marks. Courts

(1) Existing law authorizes a landlord to dispose of personal property left by a former tenant, upon specified notice, if the property is believed to be worth less than \$100.

This bill would revise this authorization to apply to personal property believed to be worth less than \$300 rather than \$100.

(2) Existing law provides that an arbitration award becomes final if no request is filed for a trial de novo within 20 days.

This bill would extend that period to 30 days.

(3) Existing law provides that local rules of court must be filed with the Judicial Council at least 30 days before they take effect.

This bill would allow local rules of court to take effect earlier if certified as necessary.

(4) Existing law authorizes the appointment of a traffic trial commissioner, and specified support staff, for the municipal court, and specifies the compensation and qualifications therefor.

This bill would revise that authorization, deleting the support staff, and revising the compensation and qualifications for the traffic trial commissioner.

(5) Existing law provides for the automatic adjustment every odd-numbered year of filing fees in the superior court to reflect changes in the value of the dollar, but not to exceed a maximum of 6% per biennium, except that the adjustment for the 2-year period covering 1983 and 1984 may exceed 6% to the extent it reflects an increase in law library fees, up to a total adjustment of 10% per biennium.

This bill would authorize a fee adjustment, up to a total additional adjustment of 10% for the 2-year period of 1985 and 1986 to reflect a law library fee increase, as specified, in any county where the fee adjustment for superior court for the 1983-84 biennium did not exceed 6%.

(6) Existing law provides for the automatic adjustment of filing fees in the municipal and justice courts for the first paper in specified civil actions to reflect changes in the value of the dollar, but not to exceed 6% per year, except that the increase for calendar years 1983 and 1984 may be increased to 10% per year when it reflects a law library fee increase.

This bill would authorize an additional fee adjustment, for the 2-year period covering 1985 and 1986, up to a maximum of 10%, to reflect a law library fee increase, as specified, in any county where the fee adjustment for the 1983-84 biennium did not exceed 6%.

The provisions of (5) and (6) would be repealed on January 1, 1987.

Ch. 1250 (SB 1355) Carpenter. Environmental quality: exemptions.

Under the California Environmental Quality Act, lead public agencies, state and local, are generally required to prepare or cause to be prepared by contract, and certify the completion of, an environmental impact report on any discretionary project, as defined, that they propose to carry out or approve which may result in a substantial, or potentially substantial, adverse change in the environment or, if they determine that a proposed project will not have that effect, to adopt a negative declaration. Under provisions of the implementing state guidelines, the closing of a public school and the transfer of students to another school when the only physical changes involved are categorically exempt is not a project for purposes of this act.

This bill would exempt from the act the closing of any public school in which kindergarten or any of grades 1 through 12 is maintained.

Ch 1251 (SB 1543) Hart. Fishery protection

Under existing law, oil and gas exploration in the tidelands and ocean waters of the state are subject to approval and permits from local and state agencies. The State Lands Commission also leases tide and submerged lands for oil and gas exploration and production under specified conditions. Any such lease is required to prohibit the pollution or contamination of the water and to prohibit the impairment of or interference with specified uses of the water.

This bill would require the commission, prior to the adoption of a form of lease for leasing offshore tide and submerged lands between the mean high tide line and the 3-mile jurisdictional limit, to consult with the Department of Fish and Game, the National Marine Fisheries Service, the oil industry, and fishermen operating within the area being considered for leasing, and would prescribe related requirements. The bill would require the commission to consider, based on specified factors, the potential impacts of the proposed lease on the fisheries and marine habitat within the area being considered for leasing. The bill would authorize the commission to impose terms, conditions, or operational requirements it deems necessary to protect fisheries

Ch 1252 (SB 1838) Montoya. Contractors.

Existing law provides that to obtain an original contractors' license, an applicant shall submit to the Registrar of Contractors an application in writing containing specified information. In addition, existing law provides that the application shall be made on a form prescribed by the registrar in accordance with the rules and regulations adopted by the Contractors' State License Board and shall be accompanied by a fixed fee.

This bill, in addition to existing law, would provide that any person may obtain blank license application, renewal, or reinstatement forms from the Department of Consumer Affairs, or may cause to be printed forms used by or approved by the Registrar of Contractors

In addition, the bill would provide that when an application has been accepted by the registrar, the name and address of the applicant, every classification for which the applicant has applied, and the names and titles of all personnel who have signed the application shall be publicly posted by the registrar, on the day following acceptance, in the office of the Contractors' State License Board in Sacramento

Ch 1253 (SB 1843) Alquist Santa Clara County Transit District: advisory commission: membership.

(1) Under the Santa Clara County Transit District Act, the advisory commission to the Santa Clara County Transit District is composed of 25 members. Seven of the members are public members who represent persons with special transit needs, 3 of whom are appointed by the San Jose City Council, and 3 are public members with a special knowledge of transit appointed by the board of supervisors.

This bill would increase the membership on the commission by 4 persons, thus imposing a state-mandated local program. The San Jose City Council would be required to appoint 2 additional public members to represent persons with special transit needs, and the board of supervisors would be required to appoint 2 additional public members with special knowledge of transit, with the requirement that 2 of the 5 public members

appointed by the board of supervisors be residents of San Jose

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

(3) The bill would specify that this act was requested by the City of San Jose and that San Jose is liable for the payment of any costs mandated by the bill, including costs incurred by local agencies

Ch 1254 (SB 1849) Royce. Cal-Vet: housing costs study.

Under existing law, the Department of Veterans Affairs may expend not more than \$75,000 for the acquisition or construction of a home or for acquisition of a mobilehome sited on a lot owned by the purchaser and installed on a foundation, and not more than \$55,000 for the acquisition of a mobilehome to be sited in a mobilehome park, for purposes of sale to a qualified veteran purchaser under the Cal-Vet farm and home purchase program, without reference to geographic regions within the state

This bill would direct the department, in consultation with the Department of Housing and Community Development and representatives of the housing, real estate, and mobilehome industries, to conduct an investigation and study of alternative methods of providing affordable housing for veterans qualifying for Cal-Vet home purchase benefits, with consideration given to the differences in housing costs by geographic regions within the state, including specification of how it selects these geographic regions, and to report thereon to the Legislature on or before October 1, 1985

Ch. 1255 (SB 1923) Carpenter Private postsecondary education.

(1) Under existing law, private postsecondary institutions are prohibited from awarding academic or honorary degrees unless they: (a) are accredited by a recognized accrediting agency; (b) are approved by the Superintendent of Public Instruction upon a determination that an adequate educational program exists; (c) the institution has met standards developed and recommended by the Council for Private Postsecondary Educational Institutions and adopted by the Legislature; or (d) the institution is structured by schools of theology, and awards degrees primarily in theology and other areas of religion, and has filed various specified affidavits with the Superintendent of Public Instruction.

This bill would revise the procedures and criteria required for (b)

This bill would delay the operation of these revised provisions for an amount of time equivalent to the period of time for which any program of the institution was last approved pursuant to (b) prior to January 1, 1985, for institutions operating pursuant to (b) on June 30, 1984, and for up to 2 years for institutions operating pursuant to both (b) and other specified provisions on June 30, 1984.

(2) This bill would incorporate changes in Section 94310 of the Education Code, proposed by SB 2151, but only if SB 2151 and this bill are both chaptered and become effective, and this bill is chaptered last.

Ch. 1256 (SB 2051) Keene. Public resources: acquisition and management

(1) Under existing law, the Wildlife Conservation Board is authorized to acquire lands to effectuate a program of wildlife production and protection and suitable recreation.

This bill would require the board to determine the suitability of acquiring specified real property in Del Norte County for wildlife habitat and compatible recreational use.

(2) Under existing law, hunting is prohibited in any unit of the state park system opened to the public on or before June 1, 1961, and in any unit acquired after that date designated as a state park, and may only be allowed in recreational areas developed for that use.

This bill would require that waterfowl hunting be allowed at the Lake Earl and Lake Talawa project in accordance with a specified interagency agreement until such time as the project is classified as a unit of the state park system

(3) The bill would take effect immediately as an urgency statute

Ch. 1257 (SB 2168) Foran. Transportation boards: per diem.

(1) Under existing law, members of the California Transportation Commission receive \$100 per day for attending meetings of the commission or committees, but not to exceed \$500 per month.

This bill would authorize each member to receive \$100 per day for authorized commission business when a majority of the commission approves the compensation by a recorded vote, but not to exceed \$800 per month.

(2) Under the Metropolitan Transportation Commission Act, members of the Metropolitan Transportation Commission receive a per diem of \$50 not to exceed 5 meetings in any one month

This bill would authorize the per diem to be increased to \$100

(3) Under existing law, members of the San Mateo County Transit District Board of Directors receive up to \$50 for each day attending meetings of the board, but not to exceed \$100 in any month.

This bill would instead authorize members of the board to receive up to \$50 for attending each meeting of the board and each committee meeting, but not to exceed \$300 in any month.

Ch 1258 (SB 2200) Hart. State highways: Routes 1, 135, 176, and 246.

Existing law describes the state highway routes and requires the Department of Transportation to improve and maintain state highways

This bill would include a specified portion of the Lompoc-Casmalia Road and the Vandenberg Road in the County of Santa Barbara as a part of State Highway Route 1, but the department would not assume maintenance and responsibility of the specified portion until an agreement between the department and the County of Santa Barbara is reached. A specified portion of existing Route 1 and Route 246 and all of Route 176 would cease to be a state highway when the department assumes maintenance of the included portion of the Lompoc-Casmalia Road and the Vandenberg Road. The bill would also revise the description for State Highway Route 135.

The bill would take effect immediately as an urgency statute.

Ch. 1259 (SB 487) B. Greene. Employment of welfare recipients

Existing law contains various provisions governing contracts entered into by the state.

This bill would provide that, with specified exceptions, in any contract with the state, which is governed by specified provisions and where the amount of the contract is in excess of \$200,000, the contract shall contain a provision requiring the contractor to give priority consideration in filling vacancies in positions funded by the contract to qualified Aid to Families with Dependent Children (AFDC) recipients

The bill would require contractors to notify the Employment Development Department as to openings which they may have, in order to fulfill the hiring requirement, and would require the department to refer qualified recipients of aid to the contractor. The Governor, at the request of a contracting state agency, would be permitted to waive application of the hiring requirements under specified circumstances

The bill would provide that if waivers are deemed necessary to implement the bill's provisions, and if they are not obtained by the State Department of Social Services by March 1, 1985, the department shall report on the barriers to the waivers and the expected date of waiver approval.

Ch. 1260 (SB 2242) Seymour. Medi-Cal copayments.

Existing law contains provisions for various amounts of copayments to be made to providers of Medi-Cal services by beneficiaries.

This bill would, among other things, provide for (1) an exemption from any copayment for any prescription, refill visit, service, device, or item if the Medi-Cal payment is \$10 or less, as well as for all emergency services and family planning services, and (2) expansion of an exemption from copayments from persons 12 years and under to 18 years and under, subject to federal governmental approval

Existing law requires, if federal approval is obtained, a 9.6% reduction for specified drug dispensing services under the Medi-Cal program

The bill would eliminate this requirement.

The bill would provide that the State Department of Health Services shall seek all waivers from the federal government necessary to implement the provisions of the bill, but any provision for which waivers are necessary, and for which they cannot be ob-

tained, shall not affect the validity of any other provision.

The bill would also provide that the department shall adopt emergency regulations to implement the provisions of the bill.

Ch. 1261 (AB 401) Hannigan Property taxation.

Existing law requires that if a final decision of the Supreme Court or a court of appeal is reached in 2 specified cases which concludes that real property taxes were collected pursuant to an excess valuation by the assessor based on an improper inclusion of an inflationary adjustment for fiscal years preceding the 1978-79 fiscal year, refunds, including interest at the rate of 9% per annum, must be made to all similarly affected assesseees by each county auditor in accordance with a specified procedure.

This bill would repeal that requirement.

Existing law exempts from property taxation under the welfare exemption certain property used exclusively for religious, hospital, or charitable purposes and buildings under construction and land required for their convenient use if the intended use would qualify the property for that exemption.

This bill would provide that where property under development pursuant to the Community Redevelopment Law is dedicated to religious, charitable, scientific, or hospital purposes in the redevelopment plan, and is required by the plan to be conveyed to the state, a county, a city, or a nonprofit organization entitled to a welfare exemption, that property shall be deemed to be within the exemption and shall be exempt from property tax during construction if specified conditions are met.

The bill would also provide that no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to this bill.

Ch. 1262 (AB 517) Filante State hospitals: clinical director and hospital administrator

(1) Under existing law, the Director of Mental Health has jurisdiction over certain state hospitals and the Director of Developmental Services has jurisdiction over other state hospitals. Present law requires those directors to appoint and define the duties of the clinical director and hospital administrator for each state hospital under their respective jurisdictions, and to appoint either the clinical director or hospital administrator to be the hospital director.

This bill would require the Director of Developmental Services to appoint a medical director for each state hospital where neither the hospital director nor the clinical director is a licensed physician. The bill would require the director to accomplish this requirement by a reclassification and redirection of non-level-of-care administrative positions in existence on December 31, 1983. The bill would also prescribe some of the qualifications and duties of a medical director and make changes in the appointment and duties of program directors.

(2) Under existing law pertaining to developmental services, whenever the term "superintendent," "medical superintendent," "superintendent or medical director," or "medical director" appears, the term is deemed to mean clinical director with certain exceptions.

This bill would provide that only the term "superintendent" shall be deemed to mean clinical director with certain exceptions.

Existing law provides that, commencing November 1, 1984, Medi-Cal reimbursement under the state plan to children's hospitals shall be on a basis which reflects the relative severity of pediatric diagnostic case types.

This bill would delete the reference to the state plan which is contained in that provision.

Ch. 1263 (AB 1763) M. Waters. Fiscal affairs

(1) Under existing law, augmentations in excess of 10% of the amount appropriated for each capital outlay project is required to be reported to the Chairperson of the Joint Legislative Budget Committee, and any augmentation of construction projects is limited to the amounts appropriated for construction contract costs.

This bill would provide that any augmentation of construction costs is limited to the amounts appropriated for construction contract costs and architectural and engineering services costs.

- (2) The bill would take effect immediately as an urgency statute.

Ch. 1264 (AB 2307) Bane. Vehicle: engine manufacturers' disclosure.

(1) Nothing in existing law requires any disclosure ~~where~~ [if]* the manufacturer of a motor vehicle's engine is different from the vehicle manufacturer.

This bill would generally require that, where the manufacturer of a new passenger vehicle or a new motortruck under 6,000 pounds unladen weight, other than a housecar, is different from the manufacturer of the vehicle's engine, as defined, the vehicle be labeled, as specified. The bill would require manufacturers of vehicles subject to the above provisions to affix the label to the vehicle. The label requirement would not be applicable if the engine manufacturer is disclosed in the sales contract or sales literature. The bill would impose a state-mandated local program by making it a misdemeanor for dealers to knowingly display or offer for sale vehicles not labeled, where required, in conformity with this requirement.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1265 (AB 2402) Farr. Fish: violations: ocean ranching. pilot program.

(1) Under existing law, until January 1, 1985, the crew's share, as defined, of proceeds from fish seized for specified violations relating to commercial fishing are required to be distributed to innocent members of the crew. The Department of Fish and Game was required to submit a report to the Legislature by January 1, 1984, on the effects of this provision of law.

This bill would extend the time for the report to be submitted to January 1, 1986, and extend the termination of this provision of law to January 1, 1987.

(2) Under existing law, until January 1, 1986, a pilot ocean ranching operation is authorized to capture, rear, and release anadromous fish in the waters of Davenport Landing Creek under a permit from the Fish and Game Commission.

This bill would extend that authority to January 1, 1991.

Ch. 1266 (AB 2468) Cortese. Public finance.

(1) Existing law requires that the amount of property tax revenues apportioned by a county auditor to special districts, other than multicounty districts, be reduced by an amount computed according to a specified formula. Existing law provides that amounts allocated to certain special districts from supplemental roll property taxes are excluded from this reduction. An augmentation of these reduced special district revenue allocations is required to be made to those special districts with revenues so reduced from a Special District Augmentation Fund in each county upon the determination of the governing body.

This bill would provide that the Special District Augmentation Fund in each county shall be used to augment the revenues of special districts rather than to augment the revenues to those special districts whose allocations have been reduced, as specified.

This bill would specify that the amounts allocated to special districts which are governed by the board of supervisors or whose governing body is the same as the board of supervisors from supplemental roll property tax revenues are subject to reduction and augmentation provisions described above.

The bill would provide that in determining the amount of funds to be disbursed to each special district, the governing body shall not allocate funds to any special district which is governed by the board of supervisors or the city council if the governing body intends that those funds are to be transferred to that county or city upon or after disbursement to the special district, except as reimbursement to the city or county for services rendered to the special district.

(2) Existing law requires the distribution to specified cities and to counties, pursuant to prescribed formulas, of specified amounts of money contained in the Motor Vehicle License Fee Account in the Transportation Tax Fund which were previously required

to be transferred to the unappropriated surplus of the General Fund.

This bill would transfer \$17,556,029.03 from the General Fund to the Motor Vehicle License Fee Account in the Transportation Tax Fund and would appropriate that amount from the account to the Controller for allocation to those cities and counties, pursuant to the aforementioned formulas

(3) This bill would take effect immediately as an urgency statute

Ch. 1267 (AB 2553) Costa Real property loans.

Existing law authorizes a shared appreciation loan to be made by a lender on behalf of a pension fund which is subject to the federal Employee Retirement Income Security Act of 1974 (ERISA) pursuant to provisions contained in Chapter 4 (commencing with Section 1917.010) of Title 4 of Part 4 of Division 3 of the Civil Code. The term "shared appreciation loan" is defined to include any loan made pursuant to those statutory provisions

This bill would expressly limit that definition to loans made upon the security of owner-occupied real property, as specified.

Ch. 1268 (AB 2619) Peace County water authorities.

Under existing law, a county water authority is authorized to issue revenue bonds under the Revenue Bond Law of 1941 and to incur indebtedness by contract subject to specified limitations

This bill would generally authorize a county water authority to borrow money and incur indebtedness, for any purpose for which it is authorized to spend money, by the issuance, in accordance with prescribed procedures and requirements, of negotiable or nonnegotiable short-term revenue certificates, payable out of any revenues of the authority which are made security for the certificates pursuant to an indenture or resolution adopted by the county water authority board

The bill would specify the powers and duties of the board in this connection, and would authorize the board to arrange for a bank, or other financial institution, line of credit to provide an additional source of repayment or to borrow money for any purpose for which the authority may spend money.

The bill would take effect immediately as an urgency statute.

Ch. 1269 (AB 2687) Goggin. Courts San Bernardino County.

(1) Existing law provides for the staffing of the superior court in San Bernardino County

This bill would authorize a majority of the judges of the superior court, with the approval of the board of supervisors, to appoint additional personnel, provide for their compensation and benefits, and that of other superior court personnel, as specified, except that the salary of a conservatorship investigator would be set solely by a majority of the judges

(2) Existing law authorizes certain salary increases for and reclassification of municipal court personnel in San Bernardino County, effective only until January 1, 1984.

This bill would reinstate that authorization effective until January 1, 1986.

(3) Existing law authorizes the appointment of own-recognizance investigators for the municipal court in San Bernardino County

This bill would repeal that authorization

Ch. 1270 (AB 2764) Sher. Crimes commencing of action.

Existing law generally specifies the times within which various categories of criminal actions must be commenced.

This bill would repeal those provisions and substitute other provisions setting forth the limitation periods for each crime or category of crimes.

Ch. 1271 (AB 2846) Stirling. Commercial fishing: traps and troll lines.

(1) Under existing law, trap permits are required to take fish, mollusks, and crustaceans, excepting certain crab and lobster, for commercial purposes. Lobster permits are required to take spiny lobster

This bill would revise, recast, and reorganize, and delete conflicting and obsolete matters in, the provisions relating to taking of crab, as redefined in the bill, and lobster, and the use of traps to take fish, mollusks, and crustaceans for commercial purposes. The

bill, among other things, would require all traps to be marked with buoys which are marked with a buoy identification number, as defined, delete the requirement for paint patterns to be reported, and clarify the species which may be taken incidentally with various described traps. The bill would also define prawns and shrimp for these purposes. The bill would require all traps to be serviced in intervals of less than 96 hours, weather permitting, to have destruction devices, and limit the persons who may move or disturb the traps of others, as specified. Any violation of the provisions changed or added by the bill would be a crime under other existing provisions of law, thereby imposing a state-mandated local program.

(2) The bill would incorporate additional changes to Sections 9000.5, 9002, and 9002.1 of the Fish and Game Code proposed by both SB 1676 and this bill, to be effective if this bill and SB 1676 are chaptered and if this bill is chaptered after SB 1676.

(3) Under existing law, troll lines with more than 2 hooks may be used in specified fish and game districts to take salmon or tuna for commercial purposes.

This bill would delete the provisions that limit the species to salmon or tuna that may be taken by troll lines with more than 2 hooks in the specified districts and limits the portion of District 11 to which the provision applies to the portion west of the Golden Gate Bridge.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1272 (AB 3589) Mojonner. Community care facilities.

(1) Under the existing California Community Care Facilities Act, there is no requirement that a licensed facility, at the request of a majority of its residents, assist the residents in establishing and maintaining a patient-oriented facility council.

This bill would enact this requirement for certain community care facilities. The bill would be a state-mandated local program because these facilities may be owned by local agencies.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 1273 (AB 3712) Johnston. Hazardous waste control

Existing law, for purposes of the provisions relating to hazardous waste control, defines "hazardous waste" as including surgical specimens containing etiologic agents and attendant disposable fomites.

This bill would specify that it shall be the opinion of the attending physician or veterinarian which determines whether surgical specimens contain etiologic agents and attendant disposable fomites under the definition.

Ch. 1274 (AB 3791) Isenberg. Health records: patient access

(1) Existing law makes any health care provider, as defined, that willfully violates the statutory provisions relating to patient access to health records guilty of unprofessional conduct.

This bill would, create a state-mandated local program by instead, making it an infrac-

tion, as specified, for any health care provider which is a licensed health facility, a licensed clinic, or a licensed home health agency to willfully violate the statutory provisions relating to patient access to health records

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 1275 (AB 4000) McAlister Unemployment contribution rates

(1) Existing law excludes from the definition of "wages," for purposes of the Unemployment Insurance Law, remuneration in excess of certain specified amounts paid to an individual by an employer based on the balance in the Unemployment Fund on June 30 of the prior calendar year.

This bill would revise this provision to exclude remuneration in excess of \$7,000 paid to an individual by an employer during any calendar year

(2) Existing law establishes the rates at which employers are required to contribute to the Unemployment Fund and sets forth various tables for computing these contributions

This bill would impose state-mandated costs by increasing the employer's maximum contribution rate from 4 7% to 5 4% of wages paid and would revise the tables used for computing these contributions

This bill would also impose state-mandated costs by establishing an "emergency solvency surcharge" to be paid by employers into the Unemployment Fund if the balance in the fund is less than a certain amount, as specified.

Existing law requires the Director of Employment Development to prepare a statement on or before November 30 of each calendar year declaring which employer tax schedules shall be in effect for the following calendar year.

This bill would require, instead, that the director prepare the statement based on records of the Employment Development Department on or before January 10 of each year declaring which employer tax schedules shall be in effect for that calendar year and whether the "emergency solvency surcharge" is to be added, and would make this statement a public record which is final and binding for that calendar year

(3) Existing law requires that if on the close of business on June 30 an employer's net balance of reserve of money paid into the Unemployment Fund is more negative than 12% of the employer's base payroll, the balance shall be canceled from the employer's reserve account.

This bill would increase the percentage canceled from 12% to 21% and would make this section operative as of June 30, 1984.

(4) This bill would specify that the tax rates contained herein apply to contributions due during the 1985 calendar year and thereafter, as specified

(5) Existing law requires the Employment Development Department to report to the Legislature on or before July 1, 1985, and again on or before July 1, 1986, on the cost and effect of certain changes to the Unemployment Insurance Code and would require that any costs to the department be reimbursed when appropriated by the Legislature from the Employment Training Fund, as specified.

This bill would require the Director of Employment Development to prepare a study after consultation with certain legislative committees, and to report to the Legislature on or before March 1, 1986, and again on or before December 31, 1987, on, among other things, the adequacy of the unemployment insurance financing structure, together with comments and recommendations on improvements, as specified.

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234,

but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(7) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(8) This bill would require the State Board of Control to calculate the amount of savings accruing to each county as a result of its provisions and would require the board to offset these savings against any costs incurred by that county which would otherwise be reimbursable by the state pursuant to specified provisions of law.

(9) This bill would take effect immediately as an urgency statute and as a tax levy

Ch. 1276 (AB 4056) Bane Cooperative corporations: physicians and surgeons

Existing law authorizes cooperative corporations whose members consist solely of physicians and surgeons to hold funds in trust for purposes of malpractice coverage. Pursuant to an assessment agreement, contributions are levied against the membership for specified purposes.

This bill would authorize a cooperative corporation that meets requirements as to the number of members and the size of the trust fund to admit members without a trust fund contribution, if assessments are charged to those members within the first 50 months in an amount equal to the contribution to the reserve fund that would otherwise be required, as specified.

Existing Personal Income Tax Law and Bank and Corporation Tax Law permits a deduction to a taxpayer, as defined, for payments which are made pursuant to an interindemnity arrangement, as specified, and are paid to a trust of members of a cooperative corporation organized and operated under specified provisions of the Corporations Code, the members of which consist solely of physicians and surgeons licensed in this state. However, those provisions are operative only in those taxable and income years in which similar provisions are operative in federal law.

This bill would make technical and conforming changes to this law.

The bill would take effect immediately as an urgency statute

Ch 1277 (SB 1948) Dills. Fertilizing materials.

Under existing law, the manufacture, labeling, and distribution of fertilizing materials are regulated by the Director of Food and Agriculture.

This bill would require agricultural products derived from municipal sewage sludge to be regulated as fertilizer material and, when used in general commerce, would make the products not subject to regulation as a hazardous substance or as a waste under specified provisions of the Health and Safety Code

Ch 1278 (SB 1987) Boatwright Methanol fuel

Existing air pollution law requires the State Air Resources Board to establish maximum standards for the volatility of gasoline at 9 pounds per square inch Reid vapor pressure.

This bill would require the state board, in consultation with the State Energy Resources Conservation and Development Commission, to establish and conduct, until January 1, 1988, a methanol-gasoline blend experimental vehicle fleet program in accordance with specified requirements. Fuel used in the vehicles participating in the program would not be required to comply with the gasoline volatility standards, if specified conditions are met.

Ch 1279 (SB 2016) McCorquodale Disability retirement applicants under PERS: transportation expenses for medical examinations

The existing Public Employees' Retirement Law presently limits the expenses of private transportation reimbursable by the system to an applicant for disability retirement who is required by the system to submit to a medical examination and to travel more than 50 miles one way, to a maximum of 300 miles round trip.

This bill would revise that maximum travel limitation to a maximum of 300 miles round trip or within the state

Ch. 1280 (SB 2022) Royce. Small business.

Existing law provides in the Government Code for the Department of Commerce, previously known as the Department of Economic and Business Development, which is divided into 4 offices.

This bill would add the Office of Small Business, with related duties and responsibilities, to the department, as specified.

Existing law also provides in the Corporations Code for the Small Business Development Board within the Department of Commerce which reviews articles of incorporation of small business development corporations, as specified

Existing law also provides in the Corporations Code for an executive director of the Office of Small Business Development, with specified duties and responsibilities.

This bill would amend, repeal, and transfer specified provisions of the Corporations Code, relating to the Small Business Development Board and to the executive officer of the Office of Small Business Development, into the above provisions of the Government Code relating to the Office of Small Business.

Ch. 1281 (SB 2186) Johnson. Vehicle license plates: covering plates

(1) Existing law prohibits covering vehicle license plates.

This bill would permit license plates to be covered by the installation of a cover over a lawfully parked vehicle to protect it from the weather and elements.

The bill would permit a peace officer and specified other public employees to temporarily remove the cover as necessary to inspect a license plate, tab, or indicia of registration on the vehicle.

(2) Existing law defines "tire chains" and prohibits sale, lease, installation, or replacement of tire chains not meeting standards of the Department of the California Highway Patrol

This bill would specify statutory standards for tire chains and would prohibit sale, lease, installation, or replacement of tire chains failing to meet these standards, rather than standards of the department. The bill would repeal all standards for tire chains December 31, 1986. The bill would also require the department to study the effectiveness of tire chains meeting the criteria of the bill and to report to the Legislature by December 31, 1986

(3) The bill would take effect immediately as an urgency statute

Ch. 1282 (AB 2808) O'Connell. Community college districts: budgets. police academy training

(1) Existing law requires the governing board of each community college district to meet specified deadlines regarding the adoption and subsequent filing of a district budget with the county superintendent of schools. Currently, if a district board neglects or refuses to make a budget as prescribed by the Chancellor of the California Community Colleges, the county superintendent of schools is prohibited from making any apportionment of state or county money to the particular district for the current fiscal year.

This bill would revise the above-described penalty by providing that if the governing board of any community college district neglects or refuses to make a budget as prescribed by the chancellor, or fails to file a budget by the deadline dates specified in certain statutory provisions, the chancellor may direct the county superintendent of schools to, or the county superintendent of schools may, withhold any apportionment of state or local money to the particular district for the current fiscal year until the district complies with its various duties regarding the adoption and filing of its budget. This bill would prohibit the imposition of this penalty if the chancellor or the county superintendent determines that unique circumstances make it impossible for the district to comply with those duties, or if there are delays in the adoption of the annual Budget Act

(2) Under existing law, community college districts are prohibited from charging students fees for instructional materials until January 1, 1988

This bill would specifically authorize the governing board of a community college district to require students attending police academy programs to furnish durable personal equipment necessary for their employment as police officers. This authorization would be repealed on the effective date of the regulations adopted pursuant to item (3)

(3) This bill would state that it was not the intent of the Legislature in enacting the provisions of existing law described in item (2) to require community college districts to provide all materials necessary for each course and program. The bill would also

recognize the need to clarify the authority of community college districts to require students to provide for various types of materials, and would request the Board of Governors of the California Community Colleges to adopt regulations for that purpose. This bill would declare the Legislature's intent regarding those regulations, including the intent that the board adopt final regulations by March 15, 1985.

(4) This bill would take effect immediately as an urgency statute.

Ch 1283 (AB 3026) Nolan. Public Employees' Retirement System: local safety members emergency medical technicians

(1) Existing provisions of the Public Employees' Retirement Law provide for a local safety membership category having higher retirement and disability benefits and higher contribution rates and lower minimum service retirement age than the local miscellaneous membership category; authorize contracting agencies to elect to make local safety member benefits applicable to specified employees.

This bill would authorize any public safety agency to include within the local safety category, employees whose principal duties consist of rendering prehospital emergency medical care to ill or injured persons and who are employees designated as Emergency Medical Technician-I, Emergency Medical Technician-II, or Emergency Medical Technician-Paramedic. The provision would be inapplicable to a contracting agency unless and until it elects to be subject to the provisions. This new authorization would impose a new state-mandated local program since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

Ch 1284 (AB 3321) Alatorre. Earthquake and volcanic predictions

Existing law sets forth legislative declarations concerning the science of earthquake predictions and authorizes the Governor to warn the public as to the existence of an earthquake prediction determined to have scientific validity. The state, its agencies, and employees are not liable for any injury resulting from the decision to issue or not to issue such warning or for any acts or omissions in fact gathering, evaluation, or other activities leading up to the issuances or nonissuance of the warning.

Existing law also provides that a Governor's warning of the existence of an earthquake prediction is sufficient basis for a declaration of a state of emergency or local emergency. The state, its agencies, its political subdivisions, and public employees may, on the basis of the warning issued take, or fail or refuse to take, any action with relation to the warning and shall not be liable for any injuries caused, as specified. In addition, they shall be immune from liability in accordance with immunity provisions of law applicable during such state of emergency or local emergency.

This bill would amend the above existing law to provide that the Governor may "issue a warning" rather than "warn the public" as to the existence of an earthquake or volcanic prediction.

The bill would provide that "public entities and public employees" rather than "the state, its agencies, its political subdivisions, and public employees" may take, or fail or refuse to take, any action or execute or fail or refuse to execute any earthquake or volcanic prediction response plan with relation to the warning which is otherwise authorized by law and that "public employees" rather than "the state, its agencies, its political subdivisions, and public employees" shall not be liable for any injuries caused thereby. In addition, neither public entities nor public employees shall be liable for any injuries resulting from the preparation of, or failure or refusal to prepare, any earthquake hazard or damage prediction maps, plans for evacuation of endangered areas, and other plan elements.

In addition, the bill would provide that "public entities and public employees" rather

than the "state, its agencies, its political subdivisions, and public employees" shall be immune from liability in accordance with all of the above immunity provisions.

Under existing law, the Governor may exercise various extraordinary powers during a state of emergency or during a local emergency. Both of these types of emergencies are defined as involving extreme peril to the safety of persons and property. The law states various conditions which give rise to these emergencies.

This bill would add the Governor's warning of an earthquake or volcanic prediction to those specified conditions which may give rise to a state, or local state, of emergency when the safety of persons and property is endangered.

Existing law specifically exempts certain persons from civil liability resulting from any act or omission committed in the line of duty while performing disaster services, as specified.

This bill would provide that the California Earthquake Prediction Evaluation Council may advise the Governor on the existence of an earthquake or volcanic prediction having scientific validity and that an individual or member of the council delivering a presentation for validation by the council shall have the same degree of responsibility and enjoy the same immunities as other public employees, as specified.

Existing law provides, with specified exceptions, that meetings of state agencies shall be open and public.

This bill would add to those exceptions meetings of the California Earthquake Prediction Evaluation Council, or other body, as specified, appointed to advise the Director of the Office of Emergency Services or the Governor when held for the purpose of evaluating possible volcanic or earthquake predictions.

Ch 1285 (AB 3326) Johnston Apprentices teacher credentialing Commission on Teacher Credentialing

(1) Under existing law, school districts and community college districts receive reimbursement at a specified rate for providing instruction to apprentices enrolled in classes of related and supplemental instruction pursuant to an apprentice agreement.

This bill would specify that, for purposes of the California Firefighter Joint Apprenticeship Program, classes which qualify for funding include, but are not limited to, classes which are conducted at the workplace and in which the person providing the instruction meets certain requirements.

(2) Existing law requires the Commission on Teacher Credentialing to develop a uniform state examination, with appropriate variations, which provides a method by which persons holding a valid California teaching credential may demonstrate their competence as a language development specialist, as prescribed.

This bill would require the commission to develop the uniform state examination on or before March 1, 1985. This bill would require the first administration of the test to take place no later than April 15, 1985.

(3) Existing law states the legislative recognition of the need for language development specialists, as defined, to augment the number of bilingual-crosscultural teachers. Existing law states the legislative intent that the commission develop the state examination for the assessment of the competencies for this credential in a timely manner and to the extent that funds are made available under priorities to be established by the commission.

This bill would repeal these provisions of existing law.

Ch. 1286 (AB 3372) Stirling Fiscal affairs.

Under existing law relating to the budgetary process, the Controller is required to account for expenditures by program schedules as utilized in the Budget Bill.

This bill would require the accounting to utilize the uniform code structure developed jointly by the Department of Finance and the Controller.

Under existing law, the Controller is required to submit an annual report to the Governor containing a statement of the funds of the state, its revenues, and the public expenditures during the preceding fiscal year.

This bill would require the annual report to be prepared on the same basis as that of the Governor's Budget and the Budget Act, and to be prepared as closely as possible in accordance with "Generally Accepted Accounting Principles." It would also require the Controller to issue an additional report prepared in accordance with those principles.

until the Controller's records, the Budget Act, and information provided by each state department and agency based on the state's accounting system will permit conversion to "Generally Accepted Accounting Principles."

Under existing law, each state agency charged by law with the handling of public money has an accounting system devised by the Department of Finance

This bill would require the system to be capable of performing program cost accounting as required.

Under existing law, only the Legislature and the Board of Control are permitted to create new funds.

This bill would permit the Department of Finance, with the concurrence of the Controller, to establish such additional funds as are necessary to properly manage and account for the financial activities and resources of the state, and would delete the authority of the Board of Control to do so.

Under existing law, the Department of Finance is required to develop departmental performance or workload measures for each state agency.

This bill would delete that requirement.

Under existing law, the Governor's Budget is required to be prepared in a manner that the elements and components of each program are set forth in the same manner each year.

This bill would require the Governor's Budget to be prepared in such a manner that the information presented provides for comparisons between the fiscal years.

Under existing law, the Department of Finance is required to develop a fiscal information system.

This bill would require the system to include expenditures and encumbrances by program.

Under existing law, the Budget Bill is required to be prepared in a manner that reflects, and follows as closely as possible, the Governor's Budget.

This bill would delete that requirement.

Under existing law, the Budget Bill is required to provide for the appropriation of federal funds received by the state and deposited in the State Treasury for the purpose of education

This bill would delete that provision.

Existing law provides for a single financial and compliance audit of nonprofit organizations that contract with specified state agencies under direct service contracts

No similar provision exists with respect to contracts made by local agencies with nonprofit organizations

This bill would authorize local agencies, as defined, to establish auditing procedures for direct service contractors, as is presently prescribed for state agencies.

Ch 1287 (AB 3406) McClintock Vehicles: height and load length restrictions.

(1) Under existing law, the height of vehicles upon a highway is restricted to 13 feet 6 inches, with an additional 6 inches allowed for load height, except that a double-deck bus may be 14 feet 3 inches

This bill would generally make a 14-foot height restriction applicable to vehicles or loads upon a highway, with the existing exception for double-deck buses. However, the bill would prohibit any vehicle or load over 13 feet 6 inches, except where determined safe by the owner of the vehicle or entity operating the bus. These changes would become operative only if AB 1498 is enacted.

(2) Existing law authorizes a prescribed exemption from vehicle and load length restrictions for poles, timbers, pipes, integral structural materials, or single unit component parts, not exceeding 80 feet, when hauled as specified

This bill would limit the exemption by making it inapplicable to restrictions on load length, except with respect to the overall length of specified single unit component parts not exceeding 80 feet. The bill, with a specified exception, would limit the exemption to situations where the load cannot be transported consistent with otherwise applicable limitations of existing law on vehicle and load length

(3) Under existing law, the maximum length of trailers and semitrailers used in simultaneous combination with a truck tractor is 28 feet, except that trailers and semitrailers in lawful operation on December 1, 1982, may be up to 28 feet six inches in length when used in such a vehicle combination.

This bill would delete the above 28-foot limitation and substitute a maximum length of 28 feet six inches for all semitrailers and trailers used in simultaneous combination with a truck tractor.

[(4) Combinations of vehicles consisting of a truck tractor and semitrailer or truck tractor, semitrailer, and trailer, when operated on the National System of Interstate and Defense Highways, specified portions of federal primary-aid highways, and designated access thereto, are exempt from the requirement that the load on the combination may not exceed 75 feet or, if the combination exceeds 75 feet in length, extend beyond the exterior dimensions of the vehicles.

This bill would impose a state-mandated local program by creating a new crime by imposing the above requirement on these vehicle combinations. The bill would extend the above provision to these vehicle combinations when operated on specified portions of federal-aid urban system highways. The bill would revise the definition of "terminal" for purposes of provisions relating to access routes for these vehicle combinations.

~~(4)~~ (5)* The bill would take effect immediately as an urgency statute

Ch. 1288 (AB 3536) Mojonner. Courts.

(1) Existing law authorizes the filing of a claim by the defendant as well as by the plaintiff in a small claims court action, but the provisions referring to the filing fees for small claims court refer to claims filed by a plaintiff for the commencement of an action.

This bill would revise the filing fee provisions for small claims court to refer to claims filed by a party, rather than claims filed by a plaintiff for the commencement of an action

(2) Existing law requires the clerk of a municipal or justice court to maintain a register of actions, as specified.

This bill would authorize rather than require the clerk of a municipal or justice court to maintain such a register of civil actions

(3) Existing law requires specified records filed in proceedings in municipal or justice court to be kept for a minimum of 4 years, including records in certain cases involving the operation of a motor vehicle while under the influence of alcohol or a drug.

This bill would correct an erroneous cross-reference in those provisions.

(4) Existing law specifies the number, compensation, and classification of municipal court personnel in San Diego County.

This bill would revise the number, compensation, and classification of municipal court personnel in San Diego County, thereby imposing a state-mandated local program.

(5) Under existing law, in San Diego County there are 22 judges of the municipal court for the San Diego Judicial District, provided that upon the adoption of a specified resolution by the board of supervisors there shall be 23 judges; and there are 6 judges of the municipal court for the South Bay Judicial District, provided that upon the adoption of a specified resolution by the board of supervisors there shall be 7 judges.

This bill would increase the required number of judges of the municipal court for the San Diego Judicial District from 22 to 23, thereby imposing a state-mandated local program. The bill would also increase the required number of judges of the municipal court for the South Bay Judicial District from 6 to 7, thereby imposing a state-mandated local program.

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1289 (SB 1252) Marks Historical resources

(1) Under existing law, the State Historical Resources Commission consists of 7 members appointed by the Governor

This bill would increase the membership of the commission to 9 members, appointed in accordance with prescribed procedures. The bill would revise the requirements for membership on the commission, require the commission to meet at least 4 times per year, and revise the duties of the commission

(2) Under existing law, there is a State Historic Preservation Officer.

This bill would specify that the officer is appointed by the Governor, and would require the Director of Parks and Recreation, in consultation with the State Historical Resources Commission, to submit to the Governor a list of persons to be considered for the position. The bill would also make the officer the executive secretary of the State Historical Resources Commission and administrative officer of the [State]* Office of Historic Preservation. The bill would prohibit the officer from having any responsibilities other than directing and managing the state's historical resources program.

The bill would also specify that there is ~~an~~ [the State]* Office of Historic Preservation in the department and would prescribe its duties and responsibilities

Ch. 1290 (SB 2133) Carpenter. Fighting dogs.

Existing law provides that it is a crime, punishable by a prison term in state prison of not more than one year and one day, or in county jail, or a fine, or both, to own, possess, keep, or train any dog, with the intent that the dog shall be engaged in an exhibition of fighting with another dog, or to cause any dog to fight with another dog, or to cause dogs to injure each other

This bill would provide that these acts, plus the act of (1) selling any dog which has been trained with the intent that the dog shall be engaged in an exhibition of fighting with another dog, or (2) acting as a referee for an exhibition dog fight, shall constitute a misdemeanor, punishable by imprisonment in a county jail not to exceed one year, or by a fine not to exceed \$50,000, or by both. A person found guilty of committing these acts a second time would not be eligible for probation or suspension of sentence, except in unusual cases, as specified, and a person found guilty of committing certain of these acts a second time would be required to pay a fine in addition to serving a prison term.

Existing law provides that any person who is knowingly present at, among other places, an exhibition of the fighting of dogs, with the intent to be present at the exhibition, is guilty of a misdemeanor

The bill would furthermore provide that (1) in every case where a person is convicted of a violation of these provisions and is granted probation, the court shall require, as a condition of probation, that the person not own or be in control of a dog; and (2) the court shall order the denial or suspension of a business license to own or manage a kennel, for a period of one year from the date of conviction, for any person convicted of violating any of these provisions.

This bill would impose a state-mandated local program or higher level of service upon local government by creating new crimes.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1291 (AB 2598) Goggin. Community redevelopment agencies.

(1) Under existing provisions of law applicable to all refunding bonds of all local agencies, procedures are specified for the investment or reinvestment of the bond proceeds. Among other things, this law provides that the proceedings of any local agency authorizing the issuance of any refunding bonds shall require that the bonds to be refunded with the proceeds or such refunding bonds be called at the first date which such bonds may legally be called.

This bill would provide that, for certain redevelopment projects which have merged pursuant to specified provisions of law, notwithstanding the above-described provision of law, the outstanding bonds of these project areas may be refunded on the first date on which the bonds may legally be called, or on any date or dates thereafter, or at the maturity date or dates of the outstanding bonds without regard to the dates on which the outstanding bonds may legally be called.

(2) Under the existing Community Redevelopment Law, territory included within a project area, with a specified exception, is required to be a predominantly urbanized area of a community, as defined, which is a blighted area, the redevelopment of which

area is necessary to effectuate the public purposes specified in the Community Redevelopment Law.

This bill would provide that an unblighted, noncontiguous area within the City of Victorville, as described, shall be conclusively deemed necessary for effective redevelopment and would permit the redevelopment agency within the City of Victorville to include that territory within a noncontiguous project area

(3) The bill would declare the necessity for a special statute applicable only to the City of Victorville.

Ch. 1292 (AB 3042) M. Waters Children's services

Under the Robert W. Crown California Children's Services Act, eligibility for services or aid cannot be denied because the otherwise eligible person is receiving treatment services under a teaching program at an accredited medical school facility, provided the services are under the general supervision of a California Children's Services Program panel of physicians and surgeons.

This bill would, in addition, provide that the treatment services or aid offered under the program cannot be denied when the services are received under a teaching program at an accredited school or college of podiatric medicine, provided the services are under the general supervision of a physician and surgeon, including a family physician, and podiatrist under the California Children's Services Program, as specified.

Ch. 1293 (AB 3091) Elder Public retirement systems: service credit—layoff periods

(1) Existing statutes provide for the acquisition, under specified conditions, of various service credits under local public retirement systems

This bill would provide "public service" credit under the Public Employees' Retirement System to laid-off local members who are full-time employees and return to full-time work within 12 months of the date of layoff under specified procedures, subject to specified conditions, for any time on or after January 1, 1984, but not to exceed 12 months, during which the local member is laid off, however, application to contracting agencies would be at their option. This new authorization would impose on contracting agencies state-mandated local program costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

This bill would also authorize county boards of supervisors with respect to county retirement systems under the County Employees Retirement Law of 1937 to authorize laid-off members who are full-time employees, and return to full-time work within 12 months of the date of layoff under specified procedures, subject to specified conditions, to purchase up to one year's service credit for layoff periods, as specified. This new authorization would impose on those counties state-mandated local program costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

(2) The County Employees Retirement Law of 1937 authorizes retirement of any safety member who reaches age 50 and who has completed 10 years of continuous service

This bill would authorize county boards of supervisors subject to that law to eliminate the requirement that the minimum service of 10 years be continuous service with respect to such members who also are full-time employees and have no service break which exceeds 12 months. This new authorization would impose on those counties state-mandated local program costs, since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(4) This bill would provide that notwithstanding Section 2231.5 of the Revenue and

Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 1294 (AB 3933) Bates. Nonmotorized transportation.

(1) Under existing law, regional transportation planning agencies and local transportation commissions prepare regional transportation plans and regional transportation improvement programs. A regional transportation plan is required to include an action element describing the programs and actions necessary to implement the plan. A regional transportation improvement program is required to include new facilities proposed to be funded, in whole or in part, from the State Highway Account in the State Transportation Fund.

This bill would require the action element of a regional transportation plan to include a program for developing intracity and intercity bicycle programs and would require a regional transportation improvement program to include bicycle projects among the new facilities included in the program.

(2) Existing law requires each annual proposed budget of the Department of Transportation to include not less than \$360,000 for nonmotorized transportation facilities to be used with the state highway system.

This bill would require the department to submit, prior to December 31 of each year, an annual report to the Legislature summarizing programs for the development of nonmotorized transportation facilities, including a summary of major and minor projects

(3) Existing law requires the department to enter into agreements and to take actions to receive and expend federal funds in connection with state or local agency bicycle programs or projects.

This bill would require the department, in the event the state is unable to match all federal highway funds available to it, to apply for all available federal funds which benefit bicycle programs and facilities.

(4) Existing law requires the department to allocate and disburse moneys from the Bicycle Lane Account and the Bikeway Account in the State Transportation Fund for specified purposes relating to bikeways and commuter bicyclists.

This bill would also authorize the allocation and disbursement of funds from these accounts for planning and for safety and education purposes.

Ch. 1295 (SB 1410) Johnson County subventions

Existing law authorizes the State Department of Corrections, the State Department of Health Services, and the State Department of Mental Health, until January 1, 1986, upon request of the board of supervisors of a county having a population of 100,000 or less as of January 1, 1983, to advance to the affected county an amount up to $\frac{1}{12}$ of the annual allocations, subventions, or reimbursements required for the delivery of services by the county, subject to specified conditions

This bill would increase the required county population to 150,000 or less as of January 1, 1985, and would extend the above authorization to January 1, 1988.

This bill would incorporate additional changes in Section 11019.5 of the Government Code as proposed by AB 2776 or SB 1598 to be operative only if this bill is chaptered after either of those bills, as specified.

Ch 1296 (SB 1671) Russell. Unemployment: excluded services.

Under existing law, the rate of employer contributions to the Unemployment Fund for purposes of funding unemployment compensation benefits during a calendar year depends on the amount of the balance in the fund as determined on the computation date and the amount each employer's net balance of reserve is more negative than 12% of the employer's base payroll shall be canceled from the employer's reserve balance

This bill would provide that on the computation date each year, the amount each employer's net balance of reserve is more negative than 21% of the employer's base payroll would be canceled from the employer's reserve balance.

This bill would also provide that the amount each employer's net balance of reserve was more negative than 12% of the employer's average base payroll on June 30, 1983, would be canceled from his or her reserve balance.

Existing law provides that unemployment compensation benefits, extended duration benefits, and federal-state extended benefits based on service performed in the employ of nonprofit organizations or public entities, as defined, with respect to services for an educational institution, except certain specified services for an institution of higher education, shall not be payable for any week which commences during established and customary vacation periods, holiday recesses, and the period between 2 successive academic years or terms if there is a contract or a "reasonable assurance" that the employee will perform the services in the immediately following period. For purposes of this provision, "reasonable assurance" includes, but is not limited to, an offer of employment made by the educational institution if the offer is not contingent on enrollment, funding, or program changes.

This bill would extend this exclusion from benefits to all compensable services performed by an individual in an educational institution while in the employ of an educational service agency, as defined, which is established and operated exclusively for the purpose of providing services to one or more educational institutions.

Existing law provides that an individual who is not offered an opportunity to perform in the second academic term or year, is entitled to a retroactive payment of benefits for each week a timely claim for benefits was filed for and denied, because the individual had a reasonable assurance of employment in the second academic term or year.

This bill would provide that the department's procedures for claiming retroactive benefits specify that, except where the individual was entitled to benefits based on services performed for other than an educational institution, the individual with a reasonable assurance of reemployment may satisfy the search for work requirement by registering for work between the first and second academic terms or years.

This bill would incorporate additional changes in Section 1253.3 of the Unemployment Insurance Code, proposed by AB 3899, to be operative only if AB 3899 and this bill are both chaptered and become effective on or before January 1, 1985, and this bill is chaptered last. These changes would become operative on the operative date of AB 3899.

This bill would take effect immediately as an urgency statute.

Ch. 1297 (SB 2041) Mello Forest practices.

(1) Under existing law, the State Board of Forestry registers professional foresters, and any accusations against a registered professional forester are required to be filed with the board within 2 years after the act or omission alleged as the ground for disciplinary action.

This bill would extend that period from 2 years to 5 years.

(2) Existing law authorizes the board to take specified disciplinary action against a registered forester for any one of a number of enumerated causes.

This bill would require the board to provide public notice of the suspension or revocation of a registration or certification.

(3) Under existing law, gross incompetence and violation of contract are among the causes for which a registered professional forester may be disciplined.

This bill would change gross incompetence to incompetence, would delete violation of contract, and would add additional grounds of gross negligence and material misstatement of fact.

(4) The Z'berg-Nejedly Forest Practice Act of 1973 requires a person who owns, leases, or otherwise controls or operates on all or any portion of any timberland, and who plans to harvest the timber on that land, to file a timber harvesting plan. The plan is a public record and is required to include specified information.

This bill would include, as mandatory information within the timber harvesting plan, a certification by the registered professional forester preparing the plan that he or she, or a designee, has personally inspected the plan area. The bill would also require, where the person filing the plan is not the owner of the timberland, that the person filing the plan notify the timberland owner by certified mail of the filing. Since violation of the act is a misdemeanor, this bill, by creating a new crime, would impose a state-mandated local program.

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases,

for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1298 (SB 2055) McCorquodale. Improvement acts.

(1) The Special Assessment Investigation, Limitation and Majority Protest Act of 1931 establishes a majority protest procedure applicable to assessments for improvements by certain public entities. It limits assessments on parcels of land to not more than $\frac{1}{4}$ of the true value of the land. The true value of the land is stated to equal 2 times its assessed value as shown on the last equalized assessment roll.

This bill would instead define the true value of each parcel as meaning the fair market value of the land and improvements. The legislative body would be authorized to determine that the fair market value of the land and improvements is their full cash value under Article XIII A of the California Constitution, but it could also determine the fair market value by other reasonable means.

The bill would also specify that none of the provisions of the act apply to proceedings for the construction or acquisition of facilities for the production, treatment, storage, and distribution of water when the proceedings have been recommended by the health officer of the city or county and specified findings are made by the legislative body, when repairing, rebuilding, rehabilitating, or modernizing existing public facilities under specified circumstances, or when the proceedings are necessary for flood control, as specified.

The bill would expressly authorize proceedings under the act to be combined with proceedings under other specified improvement acts and would provide alternative proceedings for specified combined proceedings.

(2) The Special Assessment Investigation, Limitation and Majority Protest Act of 1931 establishes procedures for giving notice of special assessments and of foreclosure proceedings.

This bill would revise the requirements for maps and diagrams in the notices. The bill would extend the period for a lien established by the recording of an assessment from 4 years to 10 years in cases where improvement bonds are not issued.

(3) The Improvement Bond Act of 1915 authorizes the legislative body of a local public agency to issue bonds to pay assessments for improvements. The treasurer of the legislative body may retire any bonds in advance of their maturity dates if specified procedures are followed.

This bill would authorize the legislative body to provide for refunding of outstanding bonds in the resolution of intention to do the work.

The bill would also authorize the legislative body to issue bond anticipation notes and prescribe procedures for the issuance of the notes and use of the proceeds.

(4) The Improvement Bond Act of 1915 requires the tax collector to demand the legislative body to levy, and requires the legislative body to levy, an additional amount in the next tax levy to make payments of delinquent assessment and interest on property sold for nonpayment of assessments if there are insufficient funds in the treasury to make those payments.

This bill would limit those procedures to bonds representing unpaid assessments, which assessments were confirmed before June 6, 1978.

(5) The Municipal Improvement Act of 1913 authorizes local public agencies to make acquisitions of improvement for public purposes and to levy assessments to pay for the improvements.

This bill would authorize resolutions, notices, reports, diagrams, or assessments under the act to refer to other recorded plans or maps for descriptions. The bill would authorize the legislative body to prepare and approve an estimate of maintenance, repair, and improvement, as defined, of works, systems, or facilities constructed or substantially reconstructed after January 1, 1985, and to levy and collect a special assessment of the amount determined. The bill would also authorize the legislative body to acquire or install under the act any work or improvement mentioned in the Vehicle Parking District Law of 1943, the Parking District Act of 1951, and the Park and Playground Act of 1909. The bill would revise the requirements for the report on the assessments. The bill would extend the period for a lien established by a levy of an assessment under the act from 4 years to 10 years in cases where improvement bonds are not issued.

The bill would also provide an alternative procedure for authorizing assessments in areas which are at least 80% developed for residential, commercial, or industrial use.

The bill would authorize the legislative body to allow landowners in assessment districts which are at least 80% developed for residential, commercial, or industrial use to defer payment of assessments under the act, as prescribed.

Ch. 1299 (SB 2071) Beverly Business and professions.

(1) The Repossessor's Act authorizes the Director of Consumer Affairs to issue a citation to a licensee, qualified certificate holder, or registrant who violates certain provisions under the act and requires the director to suspend the license of any of the above who fail to pay an administrative fine, as specified.

This bill would extend from 20 days to 30 days the period for requesting a hearing to contest the violation, and would require that any administrative fine assessed and not adjudicated or paid within a prescribed time period shall be cause for nonrenewal of a license, qualification certificate, or registration of that person, as specified.

(2) Existing law provides that in the event a licensee under the Repossessor's Act fails to renew his or her license, the license shall be automatically revoked.

This bill would provide that if the licensee fails to renew the license, it expires, and could be reinstated upon the licensee satisfying certain requirements including payment of any and all fines assessed against the licensee.

(3) Existing law authorizes the Director of Consumer Affairs to suspend the registration of any employee of a repossession agency who fails to notify the Bureau of Collection and Investigative Services within 30 days of any change of residential address. Existing law contains similar provisions with respect to licensees and certificate holders of repossession agencies with respect to their residence or business address.

This bill would delete these provisions and instead authorize the assessment of an administrative fine, as prescribed, for failure to notify the bureau of this change. The bill would make certain corrective and conforming changes in other notification provisions.

(4) The provisions of the Private Investigator Act require the director to suspend or revoke a license if the licensee fails to notify the Bureau of Collection and Investigative Services that a manager ceases to be connected with the licensee.

This bill would require the director to automatically suspend the license

(5) Existing law requires every licensee and person employed and compensated by a licensee, among others, who in the course of their employment carry a deadly weapon, to complete a course of training in the exercise of the powers to arrest and a course of training in the carrying and use of firearms. Existing law prohibits uniformed employees of a licensee from carrying or using any firearm unless that employee has a valid firearm qualification card in his or her possession.

This bill would delete the requirement that uniformed employees carry the qualification card

(6) Existing law provides that if the Chief of the Bureau of Collection and Investigative Services determines that the continued employment of an applicant or registrant presents an undue hazard to the public safety, the licensee shall suspend the applicant or registrant from employment until action to approve or deny the application for registration or to suspend or revoke the registration has become final

This bill would, instead, authorize the director to suspend the applicant, firearm qualification card holder, or registrant and would authorize those persons so suspended to request a review by the Private Security Disciplinary Review Committee, as prescribed.

(7) Existing law provides for the renewal of a registration or certificate or license by certain persons under the Private Investigator Act.

This bill would provide that they would not be renewed until any and all fines assessed pursuant to specified provisions of law have been paid, as specified.

(8) Existing law specifies requirements for the issuance of firearm qualification cards to certain licensees of the Bureau of Collection and Investigative Services. The law does not require a showing of United States citizenship or proof of legal alien status as a condition for the issuance of the card

This bill would require all applicants for a firearm qualification card or the renewal of that card to produce evidence of citizenship or legal alien status as a condition for the issuance or renewal of that card, as specified

(9) Existing law requires any individual who desires certification by the bureau to instruct a firearms course or a baton course to complete an application for a firearms training instructor certificate and to possess certain minimum qualifications.

This bill would revise these qualifications. This bill would also enact new provisions with respect to the construction of batons and their certification.

The bill would also prohibit, on or after January 1, 1986, the issuance or renewal of a firearms training facility certificate, firearms training instructor certificate, baton training facility certificate, or baton training instructor certificate to any person who is an owner, officer, partner, or manager of a licensed private patrol operator or alarm company operator.

(10) Under existing law, the director is authorized to issue a citation to a licensee if, upon investigation, the director determines that a licensee or registrant is in violation of certain provisions governing the Private Investigator Act. Existing law authorizes a licensee or registrant to request a review, if otherwise permitted under the act, by a disciplinary review committee if the licensee or registrant contests the finding of a violation.

This bill would provide that where a review is not otherwise permitted under the Private Investigator Act, a licensee or registrant adversely affected may request a hearing in accordance with the Administrative Procedure Act.

(11) Under the Alarm Company Act, existing law authorizes the director, with the concurrence of the disciplinary review committee, to automatically suspend a firearm qualification card if the director determines that the continued possession of the card by the card holder presents an undue hazard to public safety which may result in substantial injury to another.

This bill would authorize the director to automatically suspend a license, registration, or firearm qualification card if the director makes that determination, and would not require the concurrence of the disciplinary review committee. The bill would authorize those persons so affected to request a review by the Alarm Company Operator Disciplinary Committee to appeal the suspension.

(12) Under existing law, the Chief of the Bureau of Collection and Investigative Services is authorized to suspend an applicant or registrant under the Alarm Company Act in his or her current capacity if the chief determines that he or she presents an undue hazard to public safety until action to approve or deny the application for registration or to suspend or revoke becomes final.

The bill would require the director to make that suspension and authorize the registrant or applicant so affected to request a review of the suspension.

(13) Existing law in the Alarm Company Act provides that if a license, certificate, or registration or an applicant or registrant is automatically suspended pursuant to specified provisions, the director shall request a hearing pursuant to the Administrative Procedure Act.

This bill would repeal those provisions.

(14) Existing law authorizes the chief of the bureau to issue a citation to, and fine, the alarm company operator, qualified manager, or alarm agent if the Chief of the Bureau of Collection and Investigative Services determines, upon investigation, that any of those persons are in violation of certain provisions under the act. Existing law also authorizes the director to suspend the license, certificate, or registration of those persons 30 days after the assessment if the alarm company operator, qualified manager, or alarm agent fails to request a review of the citation, or fails to pay the assessed fine.

This bill would, instead, require the director to not renew the license, certificate, or registration until the assessed fine is paid.

(15) Existing law provides for the renewal of every alarm company operator license or registration.

This bill would provide that a license or registration would not be renewed until any and all fines assessed are paid.

(16) Existing law in the Alarm Company Act requires the Chief of the Bureau of Collection and Investigative Services to issue a notice to the applicant allowing the applicant 45 days for the applicant to provide documentation concerning the disposition of any arrest information. Existing law requires a copy of the notice to be sent to the applicant's last known employer.

This bill would delete the requirement of sending the notice to the former employer.

The bill would also make similar changes in the Alarm Company Act with respect to the assessment of administrative fines and renewals and change of address provision as would be enacted in the Repossessor's Act and the Private Investigator Act. It would also provide for cyclical renewal of specified licenses and registrations.

Ch 1300 (SB 2130) McCorquodale. Student aid: Loan Study Council.

Existing law requires the Student Aid Commission to establish a Loan Study Council with 15 members comprised of representatives of students, postsecondary educational institutions, and private lenders.

This bill would add a 16th member to the council and would require the council to review the activities and policies of the California Educational Loan Program and to advise the commission of its findings and recommendations. This bill would require the appointment to the Loan Study Council of 5 representatives of the lending community participating in the California Educational Loan Program, one representative each from the University of California, the California State University, the California Community Colleges, and a private nonprofit and a private for-profit postsecondary education institution; one representative from the California Association of Student Financial Aid Administrators; and 5 student representatives from specified postsecondary segments. In addition, the bill would permit the United States Department of Education to appoint one nonvoting representative to the council.

This bill would require representatives of the council to annually elect a chair and vice chair of the council, and would prescribe their duties and responsibilities.

The bill would require the Student Aid Commission to report certain information annually to the Senate Finance Committee and the Assembly Committee on Ways and Means.

Ch. 1301 (SB 2143) Keene. Commercial fishing

(1) Existing law authorizes the Director of Fish and Game to adopt regulations to conform state law or regulations of the Fish and Game Commission to the fishery management plan, upon approval of the Secretary of Commerce of a fishery management plan or amendment to the plan, which plan or amendment is prepared by the Pacific Fishery Management Council under the federal Magnuson Fishery Conservation and Management Act or which plan or amendment is prepared by the secretary under the federal act. The director is required to hold one or more public hearings in the area of the fishery concerned not less than 4 days after the adoption of a fishery management plan or amendment thereto by the secretary.

This bill would define "fishery," "joint committee," and "optimum yield" for these purposes, and would instead authorize the director to adopt those regulations, after specified notice and hearings and submittal of a report to the Legislature after the hearings, upon the recommendation by the council of, or approval by the secretary of, a fishery management plan or amendment pursuant to the act, if the director finds that it is necessary to achieve optimum yield in California and that the action is necessary in order to continue state jurisdiction under the federal act.

The bill would also specifically authorize the director to repeal or amend any regulation, which was adopted to conform state law and commission regulations to the fishery management plan, after specified notice and hearings and submittal of a report to the Legislature after the hearings, if the director finds that it is necessary to achieve optimum yield in California. The bill would require the director to provide for the hearing, as specified, and to take evidence on specified effects of the plan.

(2) Existing law requires a person who engages in commercial salmon fishing to obtain a commercial fishing license, a commercial salmon vessel permit, and a commercial fishing salmon stamp for the commercial fishing license.

Existing law authorizes the department to set the fee for the vessel permits to cover costs of implementing and administering specified provisions of law, excepting costs of implementing the procedures for specified notice to owners of vessels from whom it does not receive a renewal application. Existing law also imposes an additional fee of \$100 on applications for vessel permits or for renewals of vessel permits which are received after April 1 and before May 1 in 1985 and subsequent years.

This bill would change the additional fee requirement by, instead, requiring the additional fee to be set by the department to cover the costs of implementing and

administering the procedures for specified notice to owners of vessels from whom it does not receive renewal applications, to be paid for all applications for vessel permits or renewals of vessel permits which are received after April 1 and before May 1

This bill would, after January 1, 1985, require the owner or operator of a vessel holding a commercial salmon vessel permit to obtain a commercial fishing salmon stamp each year, whether engaged in commercial salmon fishing or not. The bill would also prohibit the issuance or renewal of a commercial salmon vessel permit unless the owner or operator obtains a commercial fishing salmon stamp and pays the fee and the additional fee, as specified, for the stamp prior to, or simultaneously with, the application and payment of fees for the issuance or renewal of the commercial salmon vessel permit.

(3) Under existing law, members of the Interagency Committee for Aquaculture Development are appointed by specified agencies and serve for 3-year terms.

This bill would instead make members of the committee serve at the pleasure of the agency that the member represents. The bill would also revise and codify limitations on ocean ranching under the provisions of law relating to aquaculture.

(4) Under existing law, the Department of Fish and Game may acquire lands for wildlife conservation purposes.

This bill would require the department to study the feasibility of acquiring specified real property in Humboldt County.

(5) Under existing law, until July 1, 1985, moneys in the Fish and Game Preservation Fund are continuously appropriated to the Fish and Game Commission and the Department of Fish and Game for specified purposes.

This bill would, if enacted prior to July 1, 1985, change the fees deposited to the fund and impose new duties on the department and thus would require expenditures from that fund prior to July 1, 1985. The bill, thereby, would make an appropriation.

(6) The bill would take effect immediately as an urgency statute

Ch. 1302 (SB 2157) Seymour. Local agency formation commissions: subdivisions.

(1) Existing law enumerates the functions of local agency formation commissions, one of which pertains to the adoption of standards and procedures for the commission's evaluation of proposals coming before it.

This bill would revise the scope of that function.

(2) Existing law specifies the period of time for which an approved or conditionally approved tentative subdivision map remains valid, and provides for staying the expiration of an approved tentative map during the period of time that a lawsuit involving approval of the map is pending. Under existing law, a subdivider must apply for a stay of the expiration within 10 days after initiation of the lawsuit.

This bill would remove the 10-day limitation on the time within which a subdivider must make application for a stay of the expiration, and would permit the stay to be granted for a tentative map as to which a lawsuit was, but no longer is, pending when the application is made.

This provision would become effective immediately and would be repealed January 1, 1985

(3) The bill would enact a provision, to be operative January 1, 1985, which would incorporate certain changes proposed by SB 1660 and SB 1731 (Ch 337, Stats. 1984) relating to development rights, and would also incorporate in that provision the changes described in (2) above

(4) The bill would take effect immediately as an urgency statute.

Ch 1303 (SB 2158) Seymour. Surplus state property.

Existing law requires any state or local agency disposing of surplus land to send a written offer to sell or lease the property to governmental entities, as specified, within whose jurisdiction the surplus land is located.

This bill would impose a state-mandated local program by requiring a local agency, as well as a state agency, to send a written offer to sell or lease real property for school purposes to any public school district within whose jurisdiction the surplus land is located.

This bill would make related technical amendments

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for

certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1991, the provisions contained in the bill for which state reimbursement is required.

This bill would become operative only if SB 1686 is also chaptered, amends certain sections, and becomes effective on or before January 1, 1985.

Ch. 1304 (SB 2238) Garamendi. California State University: faculty salaries

Existing law requires the Trustees of the California State University to provide by rule for the government of their appointees and employees.

This bill would require the trustees to establish a supplemental salary program for those academic disciplines for which the trustees determine that recruiting and retaining competent faculty has been a problem because the faculty salaries generally applicable are not competitive with salaries offered by industry and by other educational institutions. This bill would require the trustees to identify in each fiscal year the academic disciplines meeting this criteria, and the faculty members in the disciplines identified who qualify for the program.

This bill would specify that these provisions shall be operative only for those years in which the Budget Act appropriates funds specifically for the supplemental salary program.

This bill would specify that a memorandum of understanding that conflicts with these provisions shall be controlling without further legislative action, except as specified.

Ch. 1305 (AB 2776) Costa. Costs of trial

(1) Existing law permits specified state departments to advance a certain percentage of payments to counties with population of 100,000 or less on January 1, 1983, under specified procedures. These provisions would be repealed January 1, 1986

This bill would limit the application of the provision to counties with a population of 150,000 or less, and delete the January 1, 1986, repeal date

(2) Existing law provides that in trials for crimes committed by prisoners in state prisons, the sheriff of the county where the trial or hearing is held and the person in charge of the prison may agree that the Department of Corrections shall transport the prisoners to and from the prison

This bill would provide that they may agree that the county shall perform such transportation.

(3) Existing law provides for the reimbursement of counties for cost related to trials of crimes committed in furtherance of or in connection with the escape of prisoners from state prison, but this provision applies only to trials based on indictments filed between November 1, 1970, and June 30, 1971

This bill would remove those time limitations, and expand the reimbursement provision, by establishing a presumption that any crime committed by an escaped prisoner within 10 days after the escape and within 100 miles of the facility from which escape occurred shall be presumed to have been a crime committed in furtherance of escape for purposes of these provisions.

(4) Existing law requires a statement of costs of trials in connection with an escape or attempted escape of state prisoners to be sent to the Director of Finance. Existing law also requires the director to examine and audit the statement for compliance and further requires the director to pay that portion of costs the director determines is in compliance to the county out of appropriate funds. Existing law also provides that if sufficient funds are not available, the director shall include any amounts necessary to satisfy the claims in a request for a deficiency appropriation.

This bill would instead impose those duties on the Controller and would require the Controller to request the Director of Finance to include any amounts necessary to satisfy the claims in a request for a deficiency appropriation if sufficient funds are not available

(5) This bill would appropriate \$500,000 to the Department of Corrections for expenditure in fiscal year 1984-85 in augmentation of a specified item of the Budget Act of 1984 for the purpose of paying the claims referred to above relating to the transportation of prisoners and the costs of trial.

Ch 1306 (AB 3638) Floyd. Unemployment benefits: educational institution: reasonable assurance

Existing law prohibits a certain individual from receiving unemployment compensation benefits, extended duration benefits, and federal-state extended benefits based on service performed in the employ of certain nonprofit, public, or educational entities with respect to any week commencing during a customary vacation or holiday recess if the individual performs services in the period immediately before the holiday or recess and has reasonable assurance that he or she will perform the services immediately following the vacation or recess.

Existing law defines "reasonable assurance" to include, but not be limited to, an offer of employment made by the educational institution, provided that the offer is not contingent on enrollment, funding, or program changes.

This bill would add to this provision by stating, with regard to "reasonable assurance" that an individual who has been notified that he or she will be replaced and does not have an offer of employment or assignment to perform services for an educational institution is not considered to have reasonable assurance.

This bill would incorporate additional changes in Section 1253.3 of the Unemployment Insurance Code, proposed by AB 3899 and SB 1671, to be operative only if either or both AB 3899 and SB 1671 and this bill are chaptered and become effective on or before January 1, 1985 and this bill is chaptered last.

Ch. 1307 (AB 3657) Molina. Out-of-state employees

Existing law authorizes the Board of Administration of the Public Employees' Retirement System to contract for, or approve, health care plans for state employees and annuitants.

This bill would provide that an out-of-state employee, as defined, shall be eligible to receive the health benefits contracted for or approved by the board, or to receive the benefits authorized by this bill.

This bill would specify the type of health benefits which an out-of-state employee may obtain under this bill. It would appropriate from the General Fund the state's monthly contribution for specified out-of-state employees. It would also appropriate from every other fund in the State Treasury the state's monthly contribution for employees whose compensation is paid from each fund.

Ch. 1308 (AB 3659) Isenberg. Part-time service credit—STRS: new standard.

(a) The State Teachers' Retirement Law bases the service credit for members on an hourly or daily basis on full-time employment of 175 days or 1050 hours for a school term or 260 days or 1560 hours for a full school year.

This bill would base the service credit for members who are community college employees on an hourly or daily basis on the ratio of the total hourly or daily service rendered to the number of days of service required by the district to be performed by its full-time employees. This bill would require employer contributions for service for which employer contributions was not required and would, therefore, impose state-mandated local program costs upon community college districts.

(b) The State Teachers' Retirement Law: (1) authorizes members to elect specified optional settlements; (2) authorizes, effective January 1, 1985, 2 additional joint and survivor optional settlements; (3) authorizes effective January 1, 1985, members who have already made a preretirement election to change their election to one of the new additional optional settlements within a specified period without being subject to the otherwise applicable allowance reduction for cancellation of preretirement elections; and (4) provides, when an optional settlement is elected, for actuarial reductions in the unmodified retirement allowance.

This bill would: revise the period in item (b) (3) above, in which current elections may be changed to one of the new additional optional settlements; add, for the 2 new additional optional settlements, specified reduction rates for cancellation of preretire-

ment elections; change the references in item (b) (4) above to actuarial reductions, to references to actuarial modifications; and make other, related, and technical changes.

(c) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

Ch. 1309 (AB 3747) Bates. Community care facilities.

Under the existing California Community Care Facilities Act, the State Department of Social Services licenses community care facilities, as defined. The State Department of Mental Health administers provisions relating to a community residential treatment system for the mentally disabled.

This bill would include within the definition of community care facilities for the purposes of licensing, a social rehabilitation facility, as defined, serving mentally ill adults. The bill would make the bill a state-mandated local program by requiring a social rehabilitation facility which may be a local agency facility to be subject to the general requirements on licensure. It would also impose a state-mandated local program since violation of its requirements or willful or repeated violations of the regulations to which it would subject social rehabilitation facilities would be a misdemeanor.

Under existing law, a county may establish a system of residential treatment programs for the mentally disabled.

This bill would require the State Department of Mental Health to establish standards for these programs. The bill would require that these standards also be applied by the department to social rehabilitation facilities.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

This bill would incorporate changes in Section 1502 of the Health and Safety Code proposed by SB 1754, but only if this bill and SB 1754 are both chaptered and become effective and this bill is chaptered last.

Ch. 1310 (AB 4006) Hauser. Housing authorities.

Existing law authorizes a housing authority to assist prescribed housing projects and provides, so long as the proceeds of any sale, lease, or other disposition of real property is to be used directly to assist a housing project for persons of low income, the authority may, after a public hearing, sell, lease, or otherwise dispose of the real property without complying with any provision of law concerning the disposition of surplus property.

This bill would additionally provide that an authority may, without complying with certain laws, convey surplus land it acquires from another public agency to a nonprofit or private developer for development of single-family homes for low- and moderate-income persons and families, as defined. It would require that the proceeds of any sale or other disposition of surplus land, net of the cost of sale, be used to assist specified housing projects for persons of low income, as defined.

Ch. 1311 (SB 365) Presley. Courts.

(1) Under existing law, there are 14 judges of the superior court in Fresno County. This bill would authorize an additional judge of the superior court in Fresno County upon the adoption of a specified resolution by the board of supervisors.

(2) Existing law provides for 171 superior court judges in Los Angeles County, and authorizes up to 35 additional superior court judges in Los Angeles County upon the adoption of a specified resolution or resolutions by the board of supervisors.

This bill would increase the number of superior court judges for Los Angeles County from 171 to 206, thereby imposing a state-mandated local program, and would authorize up to 18 additional superior court judges for Los Angeles County upon the adoption of a specified resolution or resolutions by the board of supervisors.

(3) Existing law provides for 2 judges of the superior court in Napa County.

This bill would authorize one additional judge of the superior court in Napa County, to become operative only upon the adoption of a specified resolution by the board of supervisors.

(4) Under existing law, there are 17 judges of the superior court in Riverside County.

This bill would increase the number of judges of the superior court in Riverside County from 17 to 19, thereby imposing a state-mandated local program.

(5) Under existing law, there are 42 judges of the superior court in San Diego County, provided that at such time on or after July 1, 1982, the board of supervisors adopts a specified resolution there shall be 43 judges of the superior court in San Diego County.

This bill would revise those provisions to authorize up to 6 additional judges of the superior court in San Diego County, each such judgeship to be created only upon the adoption of a specified resolution by the board of supervisors.

(5.5) Existing law requires one or more judges of the superior court in the County of San Diego to hold concurrent daily sessions in the City of Vista.

This bill would, in addition, require two or more judges of the superior court in the County of San Diego to hold concurrent daily sessions in the City of El Cajon, require one or more judges of the superior court to hold concurrent daily sessions in the City of Chula Vista, and require one judge of the superior court to hold concurrent daily sessions within the South Bay Municipal Court District, thereby mandating an increased level of services under an existing program.

(6) Under existing law, there is one judge of the superior court in Tehama County.

This bill would increase the number of judges of the superior court in Tehama County from one to 2, thereby imposing a state-mandated local program.

(6.5) Under existing law, there are seven judges of the Superior Court in Sonoma County.

This bill would increase the number of judges for Sonoma County to eight, thereby imposing a state-mandated local program.

(7) Under existing law, there are 6 judicial positions for the South Bay Municipal Court District in Los Angeles County, 5 positions established by statute, and a 6th position created pursuant to a resolution adopted by the Los Angeles County Board of Supervisors as authorized by statute.

This bill would provide that there shall be 6 judges for the South Bay Municipal Court District in Los Angeles County, provided, that at such time as the Los Angeles County Board of Supervisors adopts a specified resolution, there shall be 2 additional judges for the South Bay Municipal Court District.

(8) Under existing law, there are 6 municipal court judges in the Citrus Judicial District in Los Angeles County.

This bill would authorize a 7th Municipal Court judge for the Citrus Judicial District upon the adoption of a specified resolution by the Los Angeles County Board of Supervisors and further provide that upon the appointment of a 7th judge, there shall be no more than one court commissioner for the district unless and until the Los Angeles County Board of Supervisors finds there are funds for a second court commissioner and adopts a resolution to that effect.

(9) Existing law provides for 3 municipal court judges in the Fremont-Newark-Union City Judicial District, and 7 municipal court judges in the San Leandro-Hayward Judicial District, in Alameda County.

This bill would increase the number of municipal court judges in the Fremont-Newark-Union City Judicial District from 3 to 4, and the number of municipal court judges

in the San Leandro-Hayward Judicial District from 7 to 8, thereby imposing a state-mandated local program.

(9) Existing law provides for one judge of the Barstow Division of the San Bernardino Municipal Court.

This bill would authorize an additional judge for the Barstow Division of the San Bernardino Municipal Court upon the adoption of a specified resolution by the board of supervisors.

(10) Under existing law, there are 2 municipal court judges in the Mt. San Jacinto Judicial District in Riverside County.

This bill would authorize a third municipal court judge for the Mt. San Jacinto Judicial District in Riverside County upon the adoption of a specified resolution by the board of supervisors.

(11) Existing law provides for 15 judges in the Sacramento Municipal Court District.

This bill would authorize a 16th judge for the Sacramento Municipal Court District upon the adoption of a specified resolution by the board of supervisors.

(11.5) Existing law provides for five municipal court judges for Sonoma County.

This bill would increase the number of municipal court judges for Sonoma County to six, thereby imposing a state-mandated local program.

(12) Existing law provides for 2 municipal court judges for Napa County.

This bill would increase the number of municipal court judges for Napa County from 2 to 3, thereby imposing a state-mandated local program, and would make related changes.

(13) Existing law provides for 2 judges of the Vallejo-Benicia Judicial District in Solano County.

This bill would increase the number of judges of the Vallejo-Benicia Judicial District from 2 to 3, thereby imposing a state-mandated local program.

(14) Existing law specifies the number, compensation, and classification of municipal court personnel in Napa County.

This bill would revise the number, compensation, and classification of municipal court personnel in Napa County, thereby imposing a state-mandated local program.

(15) Article XIII B of the California Constitution and Section 2231 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. The statutory provision also specifies the manner for paying this reimbursement and requires any statute mandating these costs to contain an appropriation to pay for the costs in the initial fiscal year.

This bill would appropriate \$2,786,880 to the Controller for allocation and disbursement to local agencies and school districts for costs mandated by the state and incurred by them pursuant to this act.

This bill would provide that no appropriation is made by it because of costs related to additional judges for Sonoma County for a specified reason.

Ch 1312 (SB 2140) L. Greene Oversize vehicles manufactured homes

Existing law authorizes the Department of Transportation and counties and cities to issue special permits authorizing movement on highways within their respective jurisdictions of certain vehicles and vehicle combinations which may not otherwise be lawfully moved upon the highways, including vehicles and loads that exceed otherwise applicable length limitations.

This bill would authorize the department and counties and cities to issue these special permits for vehicles and vehicle combinations transporting more than one unit of manufactured homes if specified conditions are met.

The bill would declare legislative findings.

Ch 1313 (SB 2163) B. Greene State Job Training Coordinating Council per diem.

Existing law provides that members of the State Job Training Coordinating Council shall be reimbursed only for their necessary and actual expenses incurred in the performance of their official duties.

This bill would provide that members of the council may receive up to \$100 for each day's actual attendance at meetings and other official business of the council, not to exceed \$300 per month.

Ch. 1314 (SB 2321) Marks. Historical preservation.

(1) Existing law known as the "State Historical Building Code," authorizes the State Historical Building Code Advisory Board to adopt alternative building standards subject to a specified approval process for repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, moving, or continued use of a historical building or structure, as defined. Under existing law, other state departments, offices, and commissions have authority to adopt these alternative standards for the rehabilitation, preservation, restoration, and relocation of qualified historical buildings and structures within their jurisdiction. Existing law permits these same state departments, offices, and commissions as well as local building authorities to administer and enforce these provisions. Existing law provides the State Historical Building Code Advisory Board with a coordinate, consultive, and advisory role with local building authorities and state agencies.

This bill would make the State Historical Building Code, as described, binding on all state and local agencies, as specified. It would require all local building authorities to administer and enforce its provisions and would thereby impose a state-mandated local program. It would similarly require state agencies to administer its provisions. It would permit local variances to the code's provisions, as specified. This bill would provide that the State Historical Building Code Board, renamed by the bill's provisions, act as a review body to state and local agencies concerning interpretations of its provision as well as matters of administration and enforcement in a specified manner. It would require copies of the board's decisions to be sent to the State Building Standards Commission, as specified.

This bill would permit the alternative building standards of the State Historical Building Code to cover related reconstruction and change of use.

It would permit the board to charge fees for providing copies of its decisions and interpretations upon request and would require these decisions and interpretations to be in printed form, as specified. It would permit the board to charge fees for its appeal and interpretative functions. It would similarly allow local agencies to charge fees.

This bill would establish a continuously appropriated fund for fiscal year 1984-85 and would require the fees described above, which the board collects, to be paid into that fund, as specified, to carry out its provisions.

It would provide that the above provisions shall become operative July 1, 1985.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1991, the provisions contained in the bill for which state reimbursement is required.

Ch 1315 (AB 2466) Chacon. Employment: aid to families with dependent children recipients.

Existing law provides that, as a condition of eligibility under the Aid to Families with Dependent Children (AFDC) program, each AFDC recipient shall register with the Work Incentive (WIN) program, and that except where exempted, each recipient shall be required to participate in the program.

The bill would express the intent of the Legislature that the WIN program registration process for persons enrolled in an education program not exceed one day, so as not to interfere with their academic studies.

The bill would create a state-mandated local program by providing that, to the extent permitted by federal law, an Aid to Families with Dependent Children--Family Group recipient who is required to register for the WIN program because he or she is enrolled in school for at least 12 units of credit shall be deemed unsuitable for participation in the WIN program components such as community work experience and job training, as long as the recipient's youngest child is under six years old and the program confers a post secondary degree, vocational certificate, or high school diploma.

The bill would provide that the State Department of Social Services and the Employment Development Department shall report to the Legislature specified data regarding WIN-program registrants, and the extent to which they complete career educational programs.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 1316 (AB 4023) Tanner. Adulterated and unsafe food.

(1) Existing provisions of the state Sherman Food, Drug, and Cosmetic Law authorize the State Department of Health Services to prescribe tolerances for pesticides in processed foods.

Existing law specifies that any food additive shall be considered unsafe for use and is adulterated unless the department has adopted a regulation which limits the quality and the use, or intended use, of the substance to the terms prescribed by the regulation. However, the residue of a pesticide chemical is not deemed unsafe if the pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under the state Sherman Food, Drug, and Cosmetic Law or the Food and Agricultural Code and the raw agricultural commodity has been subject to processing, such as canning, cooking, freezing, dehydrating, or milling, if the residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of the residue in the processed food when ready to eat is not greater than the tolerance prescribed for the raw agricultural commodity.

This bill would, instead, provide that any processed food manufactured after March 31, 1986, that bears or contains the pesticide chemical, ethylene dibromide, in any detectable amount, as defined, is adulterated and shall be considered unsafe, but would permit the State Director of Health Services to modify the above date if the director determines it is necessary to protect the public interest. The bill would further specify that on and after the effective date of the bill, any processed food intended to be sold for consumption by persons under 2 years of age that bears or contains the pesticide chemical, ethylene dibromide, in any amount is adulterated and shall be deemed unsafe.

These provisions would be repealed January 1, 1990.

The bill would also provide that where the department has adopted a regulation prescribing a tolerance for a poisonous or deleterious substance, food additive, pesticide chemical, or color additive in processed food, the department may require that the foods be guaranteed, as specified.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program because a violation of the provisions added by the bill would be subject to prosecution as a misdemeanor.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(3) The provisions of the bill would take effect immediately as an urgency statute

Ch. 1317 (SB 1792) B. Greene. Safety in employment.

Existing law prohibits any person from discharging or discriminating against an employee for exercising specified rights relating to safety in employment, and requires the Division of Labor Standards Enforcement, upon investigating an employee's complaint and finding a violation, to bring an action in court against the person committing the violation. The court is permitted to order all appropriate relief, including rehiring or reinstatement of the employee to his or her former position with back pay.

This bill would require the division, upon investigating an employee's complaint and finding a violation, to notify the parties and provide 10 working days for settlement between the parties before bringing an action in court against the person committing the violation. The court would be permitted to order the payment of an amount equal to back pay as liquidated damages, in addition to the relief provided for in existing law.

Existing law requires the Division of Occupational Safety and Health to investigate the causes of any employment accident which results in serious injury to 5 or more employees, and permits the division to investigate the causes of any other industrial accident or occupational illness which has caused serious injury or which has a substantial probability of causing serious injury.

This bill would instead require the division to investigate the causes of any employment accident which results in a serious injury or illness or a serious exposure, as defined, unless the division determines an investigation is unnecessary, would require the division to establish guidelines for determining when an investigation is unnecessary, and would permit the division to investigate the causes of any other industrial accident or occupational illness.

Existing law requires an employer to post a copy or copies of each citation for a violation of occupational safety and health laws and regulations near the place of the violation.

This bill would also require the employer, if no violations are found following an investigation, to post a notice prepared by the division so indicating.

Existing law provides that if during any investigation of an industrial accident or occupational illness conducted by the division entry is refused by the employer, the division may issue an order to preserve physical materials or the accident site as they were at the time the accident or illness occurred. The order to preserve the accident site becomes void if the division does not make application for an inspection warrant on the following day, and shall remain in effect no longer than 72 hours unless a court directs otherwise.

This bill would instead provide that an order preserving an accident site shall remain in effect until the division gains access to the place of employment, or until otherwise directed by the court.

Existing law provides for a Bureau of Investigations in the division with responsibility for directing accident investigations involving violations in which there is a serious injury to 5 or more employees, death, or request for prosecution by a division representative.

This bill would, in addition, require the bureau to review inspection reports involving a serious violation where there have been serious injuries to one to 4 employees or a serious exposure, and would permit the bureau to investigate those cases in which the bureau finds criminal violations may have occurred.

Existing law provides that the supervisor of the bureau shall be the administrative chief of the bureau, and requires that the bureau be staffed by as many attorneys and investigators as are necessary.

This bill would, in addition, require that the supervisor of the bureau be an attorney, and require that staff attorneys and investigators of the bureau be experienced in criminal law, to the extent possible.

Existing law requires the Director of Industrial Relations to prepare and submit to the Legislature an annual report on the activities of the division.

This bill would, in addition, require that this annual report be prepared and submitted not later than March 1.

This bill would also require the division to provide the bureau with specified reports and documents in the possession of the division, and would require the bureau, not later than February 15, to annually submit to the division for submission to the director a report on the activities of the bureau, including specified items.

This bill would impose a state-mandated local program by requiring local public agency employers to post notices prepared by the division indicating that no violations were found following an investigation.

This bill would incorporate additional changes to Section 6318 of the Labor Code proposed by SB 1376, to be operative only if both bills are chaptered and become effective on January 1, 1985, and this bill is chaptered last.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 1318 (SB 1858) Torres. Education: categorical programs: termination.

(1) Under existing law, the Legislature is required to conduct a comprehensive review of certain education programs. These programs, as presently maintained, cease to be operative on various specified dates, unless the Legislature enacts legislation providing otherwise. If the Legislature does not enact that legislation, funding for the general purposes of the program continues after the termination date, but relevant statutes and regulations are not operative. The provisions governing the demonstration programs in reading and mathematics, local staff development and teacher education and computer centers, educational technology, professional development centers, and instructional materials will cease to be operative on June 30, 1985.

This bill would extend indefinitely the operation of the educational technology programs, and, with regard to the demonstration programs in reading and mathematics, local staff development and teacher education and computer centers, professional development centers, and instructional materials, would, instead, specify that those provisions shall cease to be operative on June 30, 1986. This bill would also extend the various specified termination dates for the other programs by one year.

(2) Existing law establishes 4 temporary advisory committees, each scheduled to serve for a specified period of time, to participate in the review of the education programs referred to in item (1).

This bill would change the specified periods of service for each advisory committee to reflect the extension of the program termination dates described in item (1).

(3) Existing law requires reports regarding certain education programs scheduled to be terminated in designated years to be submitted to the Legislature by specified dates in order to facilitate the legislative review of the programs.

This bill would extend the deadlines for the submission of the reports by one year, to reflect the one-year extension of the specified termination dates of those programs pursuant to item (1).

(4) For the 1984-85 fiscal year, this bill would appropriate \$50,000 to the State Department of Education for purposes of funding the temporary advisory committees described in item (2). The bill would declare the intent of the Legislature that funding for that purpose in subsequent fiscal years be included in the annual Budget Act.

This bill would make these provisions inoperative on July 1, 1988, and would repeal them as of January 1, 1989.

(5) Existing law requires school districts to ensure that each school in a district operating certain categorical programs conducts reviews of school plans and onsite programs at least once every 3 years, as specified.

This bill would specify that these reviews shall commence in the 1984-85 school year

Ch. 1319 (SB 2232) Keene. Driving under the influence: alcoholic rehabilitation programs.

(1) Under existing law, a person convicted of a second offense within 5 years of driving under the influence of an alcoholic beverage, drugs, or a combination of drugs and alcohol or with an excessive blood alcohol concentration or when addicted is subject to a driver's license suspension or revocation. However, if the court grants probation, it may instead restrict the person's driving privileges on the condition that the person attend a specified alcohol rehabilitation program. Existing law requires such an alcohol rehabilitation program to immediately report to the court, the Department of Motor Vehicles, and the person participating in the program any failure of the person to comply with the program's rules and regulations.

This bill would require the program to report to the court, the participant, and the Department of Motor Vehicles any failure of the participant to comply with the program's rules and regulations, within 5 days of that failure. By adding this requirement, this bill would impose a state-mandated local program, because some counties provide the above services directly.

(2) Existing law also requires a court, when granting probation to a person convicted of a first offense, to require the person to participate in an alcohol or drug education program approved by the county, as specified.

This bill would require the person to furnish proof of enrollment to the court within 60 days of the court order and to furnish proof of successful completion within 120 days of the court order, excluding imprisonment ordered by the court, as specified. The bill would require the court to revoke probation, except for good cause shown, for failure to enroll in, participate in, or successfully complete, the program.

The bill would also require the Judicial Council to adopt a standard form for use by the courts, defendants, and the programs to certify enrollment and completion of the program.

(3) This bill would incorporate additional changes in Section 23205 of the Vehicle Code proposed by AB 3833, to be operative only if both AB 3833 and this bill are enacted and become effective January 1, 1985, and this bill is enacted last.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(5) The bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch 1320 (SB 1493) Deddeh Public retirement systems

(1) Chapter 280 of the Statutes of 1984, among other things: (a) added to the Public Employees' Retirement Law (PERL) a new membership category of "state peace officer/firefighter", as defined; (b) provided a 2%-at-age-50 to 2½%-at-and-over-age-55 service retirement formula, as specified, for state peace officer/firefighter members who are represented in State Bargaining Units Nos. 6, 7, and 8, (c) authorized application thereof to related supervisory classes for the respective bargaining units; (d) made these provisions operative only if a specified memorandum of understanding is reached which specifically agrees thereto and which is approved by the Legislature pursuant to law, (e) provided that notwithstanding the foregoing provisions, they shall not become operative, as specified, unless and until the effective date of a subsequent statute in which the Legislature establishes the related employer and employee contribution rates; and (f) impose for that category a mandatory retirement age of 60 years, as specified.

This bill would

(A) Revise the conditions upon inclusion of a specified classification within the state peace officer/firefighter membership category;

(B) Revise and recast portions of items (1) (b) and (d) above;

(C) Include confidential positions within item (1) (c) above,

(D) Repeal items (1) (e) and (f) above;

(E) Provide that the above provisions are deemed operative on July 1, 1984.

(F) Provide that otherwise eligible persons who irrevocably elect to remain subject to the previously applicable service retirement benefit and compulsory retirement age shall remain subject, instead, to the previously applicable service retirement benefit and normal rate of contribution.

(2) A provision of the PERL prescribes a certification procedure by which specified state nonsafety members who have attained age 70 may delay retirement and continue in employment and authorizes a member who attains age 67 prior to January 1, 1982, to retire with less than 5 years of service.

This bill would repeal that provision.

(3) Under the PERL:

(a) Any patrol, state safety, state industrial, or state peace officer/firefighter member who is incapacitated for the performance of duty as a result of an industrial disability shall be retired for disability regardless of age or amount of service,

(b) Such members receive a disability allowance of 50% of final compensation or, if qualified for service retirement, the greater of the disability allowance or the service retirement allowance, as specified;

(c) Certain state miscellaneous members employed in specified classifications by the Department of Justice are included within item (a) above;

(d) Item (c) is made contingent upon a specified cost certification by the Director of Finance.

This bill would:

(A) Include within item (c) above 2 additional job classifications;

(B) Repeal item (d) above;

(C) Establish, operative on December 1, 1983, for members within item (c) above, a disability retirement allowance formula which is identical to item (b) above.

(4) The Public Employees' Medical and Hospital Care Act provides health benefits plan coverage to public employees and annuitants meeting the eligibility requirements prescribed by the Board of Administration of PERS.

This bill would prescribe eligibility requirements for intermittent state employees, as specified.

(5) The Judges' Retirement Law:

(a) Requires the filing of various matters with the Secretary of State or the Controller; and

(b) Authorizes, under specified conditions, payment of the accumulated contributions of a judge to the designated beneficiary or the judge, as specified

This bill would:

Require the filings required by item (5) (a) above to be made, instead, with the Judges' Retirement System; and prohibit the making of the refund under item (5) (b) above, if an allowance is paid to a surviving spouse pursuant to the Judges' Retirement Law.

(6) This bill would also appropriate, without regard to fiscal year, \$340,700† from the Public Employees' Retirement Fund to the Board of Administration of PERS for expenditure for implementing Chapter 280 of the Statutes of 1984.

(7) This bill would take effect immediately as an urgency statute

Ch. 1321 (AB 2206) Frazee Interdistrict attendance: Capistrano Unified School District. Fallbrook Union High School District.

(1) Under existing law, school districts may enter into interdistrict attendance agreements.

This bill would impose a state-mandated local program by requiring the Fallbrook Union High School District to enter into an interdistrict attendance agreement with the Capistrano Unified School District to allow certain secondary school pupils to attend the schools of the Capistrano Unified School District. This bill would limit the number of pupils who may transfer pursuant to the agreement to 150. This bill would require the state to pay the Capistrano Unified School District the difference between an allowance

† Appropriation in Section 13 of chapter deleted by action of the Governor

for educating those pupils, based on the statewide average revenue limit for high school districts with more than 300 units of average daily attendance, and the amount paid as tuition by the Fallbrook Union High School District. These provisions would become operative July 1, 1984.

(2) This bill would appropriate \$153,000 to Section A of the State School Fund for apportionment to the Capistrano Unified School District in the 1984-85 fiscal year for the number of units of average daily attendance attributable to pupils transferred pursuant to this bill.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(4) This bill would take effect immediately as an urgency statute.

Ch 1322 (SB 850) Robbins. Uninsured motorists' vehicle registration

(1) Under existing law, a nonresident owner of a noncommercial foreign vehicle is, generally, permitted to continue to operate the vehicle in this state as long as it has valid license plates issued in the place of residence of the owner. Members of the armed services are entitled to the same exemption, and, in addition, a vehicle owned by a person in the military is exempt from California registration requirements as long as the vehicle has valid license plates issued in a foreign jurisdiction where the owner was stationed for duty. A nonresident vehicle owner who accepts gainful employment in the state or becomes a legal resident of California is exempt from California registration requirements until the home state license plates expire or one year elapses, whichever occurs first.

This bill would repeal and recast the provisions relating to registration of foreign vehicles and would provide that a foreign vehicle is exempt from registration under prescribed conditions until the owner accepts gainful employment or establishes residency in this state. The exemption for vehicles of members of the armed services would be conditioned upon compliance with certain requirements, including valid registration in some other jurisdiction, as prescribed, and establishing proof of financial responsibility.

The bill would also specify that the motor vehicle license fees of foreign motor vehicles which were not due under existing law shall be retained by the state, thereby increasing a state tax for purposes of Article XIII A of the California Constitution.

(2) Existing law requires owners and drivers of motor vehicles operated on the highways to maintain in force one of the forms of financial responsibility authorized by the Vehicle Code.

This bill would, with an exception for emergencies, impose a state-mandated local program by requiring peace officers issuing notices to appear for other specified traffic violations to additionally require the cited driver to provide defined evidence of financial responsibility. The bill would prescribe special infraction penalties for a driver's failure to produce evidence of financial responsibility. The bill would, with a specified exception, require peace officers issuing traffic citations to write evidence of financial responsibility supplied by a driver upon the citation. The bill would make employers who provide vehicles to their employees, rather than the employee, liable for an employee's failure to provide evidence of financial responsibility, and would preclude registration renewal of such a vehicle involved in the violation if the employer fails to appear or pay a fine therefor until the employer establishes financial responsibility for the vehicle. The bill would require dismissal of charges against persons cited for not producing evidence of financial responsibility who can later show evidence of financial responsibility to the court clerk (for the time the citation was issued), either in person or by mail, as specified. The bill would impose a state-mandated local program by requiring court clerks to note the evidence of financial responsibility on the citation. The bill would require the Department of Motor Vehicles to conduct a prescribed verification program of the proof of financial responsibility provided under the bill to peace officers and court clerks. For purposes of verification, the bill would impose a state-

mandated local program by requiring courts to submit a specified sample of the citations showing evidence of financial responsibility under the bill. The bill would require insurers to provide their insureds with policy identification numbers, as specified, for purposes of complying with the bill.

The bill would impose a state-mandated local program by making it a misdemeanor, with prescribed punishment, to give false evidence of financial responsibility, with a specified exception. The bill would impose a state-mandated local program by requiring courts to impose a one-year driver's license suspension or restriction, as prescribed, on persons convicted of this offense and to transmit surrendered driver's licenses to the Department of Motor Vehicles. The bill would, with respect to (a) persons convicted of failing to produce or producing false evidence of financial responsibility and (b) persons failing to establish financial responsibility with the department after the department determines the person provided erroneous evidence of financial responsibility, require proof of financial responsibility to be maintained for 3 years, during which time a license suspension or restriction under the bill would remain in effect if financial responsibility is not maintained. The bill's penalties for provision of false evidence of financial responsibility would not apply to drivers driving a motor vehicle owned, operated, or leased by the driver's employer and driven with the employer's permission.

The bill would impose a state-mandated local program by requiring courts to notify the department whenever any person fails to appear or pay the fine imposed for failure to produce evidence of financial responsibility as required by the bill. The department would be required to suspend the driver's license of any person for which that notice is received. The bill would impose a lien upon every vehicle registered to a person obligated to pay a fine under the bill, and these vehicles would be subject to a lien sale, as prescribed, to satisfy these obligations.

The bill would exempt insurers and certain other persons from liability for furnishing, failing to furnish, or incorrectly furnishing, verifying, or reporting financial responsibility information under the bill. The bill would exempt public entities and employees from liability for failing to request or inaccurately recording evidence of financial responsibility, or as a result of a driver producing false or inaccurate financial responsibility information.

The bill would require any person convicted for failure to have financial responsibility to, within 60 days of the conviction, file and maintain for 3 years with the department proof of financial responsibility. The department would be required to suspend the driver's license of persons not complying with this requirement. However, the bill would require the department instead to restrict the person's driving privileges to driving that is required in the course of employment, if driving is necessary to the person's primary employment.

The bill would impose a state-mandated local program by requiring county treasurers to deposit a specified portion of specified fines and bail forfeitures received by each county treasurer in a special account for allocation, as prescribed, to defray costs of courts and the department in administering the bill. The bill would impose a state-mandated local program by requiring county treasurers to transmit specified portions of these moneys to the Controller for deposit in the Motor Vehicle Account in the State Transportation Fund and in the General Fund. In addition to these fines, the bill would require the imposition of specified penalty assessments for violation of the financial responsibility requirements of the bill, if SB 1394 is enacted. Penalty assessments imposed under this bill would be required by the bill to be deposited in county courthouse temporary construction funds.

The bill would entitle the above provisions the Robbins-McAlister Financial Responsibility Act.

All of the above provisions would remain in effect only until January 1, 1990, unless a later enacted statute deletes or extends that date.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234,

but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(4) The bill would become operative on July 1, 1985.

Ch. 1323 (SB 2214) Marks. Fish and game.

(1) Under existing law, the Department of Fish and Game is required to enforce and administer the fish and game laws pursuant to the policies formulated by the Fish and Game Commission. The department is administered through a director who is defined in existing law as the Director of the Department of Fish and Game.

This bill would redefine the director of the department as the Director of Fish and Game.

(2) Under the federal Magnuson Fishery Conservation and Management Act, the Pacific Fishery Management Council consists of 13 voting members, of which one is the principal state official with marine fishery management responsibility and expertise from California, who is designated by the Governor, or the designee of that official. Also, at least one of the 8 voting members of the council appointed by the Secretary of Commerce is required to be from California and have knowledge or experience with regard to the management, conservation, or recreational or commercial harvest of the fishery resources of the geographical area concerned. The individual is appointed to a 3-year term from a list of at least 3 individuals, as specified, submitted by the Governor for each vacancy.

This bill would require each person that the Governor nominates for appointment by the secretary to be knowledgeable of the California fisheries managed by the council, as specified. The bill would make legislative findings and would declare the state policy regarding nominations for membership on the council.

Ch. 1324 (AB 1155) McAlister. Uninsured motorists.

(1) Existing law requires owners and drivers of motor vehicles operated on the highways to maintain in force one of the forms of financial responsibility authorized by the Vehicle Code.

This bill would appropriate \$444,015 from the Motor Vehicle Account in the State Transportation Fund to the Department of Motor Vehicles for allocation for the purposes of the bill as described in the following paragraph.

The bill would require the department to include with vehicle registrations and renewals and with driver's licenses and renewals a specified summary of penalties for failure to comply with the laws relating to financial responsibility. The bill would allocate \$52,725 from appropriation made by the bill to the department to implement the publication of this summary. The bill would require the department to conduct a prescribed study of cross-matching vehicle registrations with driver's licenses, and would require the department to report the results to the Legislature by January 1, 1986. The bill would also allocate \$335,080 from the appropriation made by the bill to the department to automate its Financial Responsibility Section during the 1984-85 fiscal year and to implement SB 850. The bill would also allocate \$56,210 from the appropriation made by the bill to the department for the required study.

(2) Existing law, with specified exceptions, requires the driver of any vehicle involved in an accident required by law to be reported to the department, to submit the report on a department-approved form within 15 days after the accident.

This bill would require the report to be submitted within 10 days after the accident, beginning July 1, 1985, and would define written evidence for that purpose

(3) The department is required to suspend for one year the driving privilege of any person failing, refusing, or neglecting to comply with this reporting requirement, unless and until the report is received, evidence that the failure to report was not willful is received by the department, or the department receives evidence of the person's compliance with financial responsibility requirements.

This bill would delete the existing express requirement for such a suspension that the driver's failure, refusal, or neglect to report have been willful. The bill would require, beginning July 1, 1985, that the suspension remain in effect indefinitely until the report is filed or financial responsibility is established.

(4) Existing law requires a mandatory driver's license suspension for any driver involved in an accident reported to the department, as specified, if the driver fails to

prove his or her financial responsibility at the time of the accident. The suspension may not be terminated until one year from the accident. This requirement will be automatically repealed on January 1, 1989.

This bill would continue this requirement indefinitely, would prescribe a procedure to be followed by the department, beginning July 1, 1985, in imposing these suspensions, and would make related changes. The bill would revise the term of the suspension, beginning July 1, 1985, to require it to continue for one year from the commencement of the suspension

(5) Existing law requires a driver's license suspension hearing for failure to have financial responsibility to be conducted within 60 days of a demand by the affected driver or vehicle owner. The suspension does not become effective until 20 days after notice of the intent to suspend is sent by the department and a demand for a hearing within 20 days of receipt of the notice operates to stay the suspension until after the hearing and decision.

This bill would reduce the time limit for the department to conduct the hearing to 30 days, makes the suspension effective 15 days after the notice is sent, and makes the stay of the suspension after a demand for a hearing operative if the demand is made within 10 days of the receipt of the notice of intent to suspend. The bill would also require the department to render its decision within 15 days after conclusion of the hearing

(6) This bill would add clarifying amendments to provisions added by SB 850 revising existing law on foreign vehicle registrations, if SB 850 is enacted and this bill is enacted after SB 850

Ch. 1325 (SB 1300) Marks Public finance.

Existing law provides for special supplemental subventions, computed as specified, for certain cities, nonenterprise special districts, multicounty special districts, and redevelopment agencies which would lose substantial revenue due to the repeal of existing personal property tax subventions.

This bill would modify the computation formula applicable to special supplemental subventions for multicounty special districts and redevelopment agencies, would modify the definition of "nonenterprise special district" for purposes of determining the subventions to be allocated to those entities for the 1984-85 fiscal year, would preclude review and approval by the Office of Administrative Law of rules and regulations prescribed by the Controller relating to the time, format, and manner of applications by eligible entities for supplemental subventions, and would revise the allocation of installment payments of the subventions to all entities except cities

Existing law requires each county auditor to make various allocations of revenues pursuant to specified provisions.

This bill would provide that if property tax revenues are generated by a change in ownership or completed new construction which occurred on or before May 31, 1984, but are collected after the 1983-84 fiscal year, the revenues for the current roll shall be allocated to school districts as if they had been collected and allocated during this 1983-84 fiscal year. Any of these revenues which are collected in the 1984-85 fiscal year shall be applied to school apportionments for the 1984-85 fiscal year.

Existing law provides a procedure allowing each county auditor to file a claim for reimbursement of funds lost as the result of tax classifications or exemptions of property enacted by the Legislature.

This bill would revise that procedure.

This bill would take effect immediately as an urgency statute

Ch. 1326 (SB 181) Campbell. Health care

(1) Existing law relating to the public disclosure of information in specified reports by health facilities to the California Health Facilities Commission will be repealed January 1, 1986

This bill would, operative January 1, 1986, also abolish the State Advisory Health Council and create a single entity, the California Health Policy and Data Advisory Commission, to assume the functions of the council and the State Health Facilities Commission relating to the collection of specified health facilities data

The bill would specify the membership and duties of the new commission, and would

repeal the provisions concerning the commission January 1, 1990. The bill would also provide that, effective January 1, 1986, the Office of Statewide Health Planning and Development shall be the state agency designated to collect specified health facility or clinic data for use by all state agencies.

(2) Existing law requires licensed health facilities to pay a fee for various functions performed by the office and other state agencies.

This bill would increase that fee.

The bill would make other related changes.

Ch. 1327 (AB 2381) Mojonnier. Mental health.

(1) Under existing law, the State Department of Mental Health is required, in establishing rates for programs in community residential treatment systems, to differentiate between various specified program levels.

This bill would delete provisions requiring certain differentiations

(2) Under the existing Short-Doyle program, each county is required to prepare a multiyear base plan with annual updates of specified content.

This bill would impose a state-mandated local program by, instead, requiring each county to submit an annual county plan for mental health services, as prescribed. This bill would also repeal provisions requiring county Short-Doyle plans to include specified services, with certain exceptions. This bill would in addition prohibit a county from decreasing certain children's services programs below the 1983-84 fiscal year unless it makes certain findings.

(3) Existing law requires the department's liaison to the counties regarding mental health programs to include specified duties.

This bill would repeal those provisions and provisions requiring the department to conduct certain evaluation studies, and to use them as guidelines for allocation of certain funds.

This bill would also require the department to issue guidelines to improve data collection relating to mental health

(4) Under the existing Short-Doyle program, the rates for mental health services are established by the Director of Mental Health or are a negotiated net amount or rate approved by the director

This bill would require the rate to be the actual cost, except for hospital services, as specified, or the approved negotiated net amount or rate. The bill would revise provisions defining negotiated net amounts or rates used as the cost of mental health services. The bill would also exempt the Short-Doyle plan and negotiated net amount contracts from certain requirements.

The bill would also impose a state-mandated local program by requiring the county to impose fiscal controls, obtain yearly audits of Short-Doyle expenditures and make certain repayments to the state.

The bill would waive claims or demands for payment or recoupment of state Short-Doyle funds pursuant to certain audit findings, as defined, issued for acts performed prior to July 1, 1984

(5) This bill would also delete the requirement that a single appropriation be made to the State Department of Alcohol and Drug Programs for drug abuse services under the Short-Doyle Act. The bill would also delete other references to that department.

(6) Under existing law, certain new mental health programs meeting fire and health requirements are not required to be licensed until after 2 years.

This bill would authorize these unlicensed programs to continue to operate under certain circumstances.

(7) This bill would also authorize the department to directly or by contract, provide any community mental health services under certain circumstances

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(8) This bill would incorporate changes in Section 5710.1 of the Welfare and Institu-

tions Code, proposed by SB 2231, but only if SB 2231 and this bill are both chaptered and this bill is chaptered last.

(9) This bill would take effect immediately as an urgency statute.

Ch. 1328 (AB 3872) Lancaster. Alcohol abuse programs.

(a) Under existing law, counties participating in state-funded alcohol programs are required to be funded on the basis of 90% state and 10% county funds, commencing in the 1981-82 fiscal year, with certain exceptions.

This bill would require state hospital alcohol programs to be funded on the basis of 85% state and 15% county funds with certain exceptions. The bill would also require each alcohol program to assess fees to participants in the programs.

(b) Under existing law, fines from certain convictions of specified reckless driving and driving under the influence are required to be used for alcohol programs and services. These services are required to be certificated by the State Department of Alcohol and Drug Programs or to have applied for certification if the certification is available

This bill would require that the programs be certified. The bill would also authorize the department to audit the source and application of these funds

(c) Under existing law, no person convicted for driving while under the influence of alcohol may participate in a program offering alcohol services to problem drinkers that is not approved by the department. The department may charge a fee for the approval

This bill would instead require the programs to be licensed by the department and the department to charge a licensure fee.

(d) Under existing law, persons holding certain positions may not be appointed members of the county advisory board. This prohibition includes any person who is a member of the board of directors or advisory body or an employee of certain programs of services to persons convicted for driving while under the influence of alcohol.

This bill would delete this specific prohibition and provide instead that the prohibition includes a member of any advisory body or similar position in a program which seeks or possesses a license issued by the department to operate a program of services to persons convicted for driving while under the influence of alcohol.

(e) This bill would establish the 1984-85 fiscal year as the base funding year for the purposes of allocations by the state for county alcohol and drug programs plus cost-of-living adjustments beginning with the 1985-86 fiscal year. Counties with a population of 200,000 or less would be authorized to shift their funds between alcohol and drug programs when approved by the Director of Alcohol and Drug Programs.

(f) This bill would authorize the department to evaluate alcohol programs and services

(g) Under existing law, the department is required to establish program standards and to implement a program of certification for quality assurance

This bill would revise these provisions.

(h) Under existing law, counties have an option to conduct a county alcohol program and be granted funds from the department pursuant to a county plan.

This bill would, instead, authorize the county to submit a program plan to the department for the state or federal block grant funds.

(i) The bill would, in addition, require the participating county to implement a planning process to determine alcohol program services and develop the program plan. The bill would require counties to include prevention and early intervention services, as defined, and to expend no less than the federally required percentage of federal funds for those activities.

(j) Under existing law, \$50 of each fine for a conviction of specified reckless driving and driving under the influence is required to be deposited for allocation by the administrator of the county's alcoholism program with the approval of the board of supervisors, for alcohol programs and services for the general population

This bill would require that in a county of the first, second, or fifteenth class the \$50 deposit be made for each conviction, whether or not a fine is imposed, thereby increasing the level of service required of a local agency under an existing program and creating a state-mandated local program.

(k) This bill would also appropriate \$2,500,000 from the General Fund to the State Department of Alcohol and Drug Programs for the purposes of the bill. The bill would

authorize a county with a population of 200,000 or less to use, at its discretion, all or a portion of these funds for either alcohol or drug programs under certain circumstances.

(l) Under existing law, the department or county may audit the expenditure of state-funded alcohol programs.

The bill would, instead, require the department to conduct an annual audit of the expenditure of funds administered by the department. This bill would also establish in the State Treasury an Audit Repayment Trust Fund for the deposit of any county repayment of state funds made as a result of the audits.

(m) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1329 (AB 3873) Lancaster. Drug abuse programs.

(1) Under existing law, each county Short-Doyle plan is required to contain a drug abuse component which is submitted to the Director of Alcohol and Drug Programs. A single appropriation is made to the State Department of Alcohol and Drug Programs for drug abuse services under the Short-Doyle plan.

This bill would delete the county drug abuse program from the Short-Doyle plan. The bill would instead authorize the county to apply for, and receive, a drug allocation directly from the department upon approval by the department of the county drug program plan.

This bill would provide that the 1984-85 fiscal year establishes base funding for the county alcohol and drug allocations plus cost-of-living adjustments beginning with the 1985-86 fiscal year. This bill would also authorize a county of a population of 200,000 or less to shift funds between alcohol and drug programs when approved by the Director of Alcohol and Drug Programs. The bill would appropriate \$2,500,000 for these purposes but would allow a county of a population of 200,000 or less to use all or a portion of these funds for either alcohol or drug services.

(2) Under existing law, the State Department of Alcohol and Drug Programs is required to submit an annual report on information relating to drug abuse projects.

This bill would delete this requirement.

(3) Under existing law, the department is required to assist organizations in initiating effective drug programs, to develop and implement mass media drug education programs, and develop an objective program evaluation methodology, evaluate prevention and treatment programs, and disseminate lists of recommended educational materials.

This bill would authorize rather than require the department to perform these activities and require that the assistance be at the request of the county drug program administrator. This bill would authorize the department to charge a fee for providing the educational materials.

(4) Under existing law, the department is required to license and monitor methadone programs.

This bill would establish in the Controller's office a Methadone Program Licensing Trust Fund, authorize the department to charge a licensing fee, and require the fee to be deposited in the trust fund. The fund would be subject to appropriation by the Legislature.

(5) Under the existing school-community primary prevention program the State Department of Education and the State Department of Alcohol and Drug Programs are required to negotiate contracts with public or private nonprofit agencies to carry out primary prevention programs.

This bill would instead require these state agencies to negotiate these contracts with only public agencies.

(6) Under the existing school-community primary prevention program, the board of supervisors and the county board of education may elect to participate in the program upon fulfilling specified requirements.

This bill would include within these requirements the requirement that the drug program administrators and the county office of education certify each other's school-

community primary prevention program plans.

(7) Under existing law, the department or county may audit the expenditure of state-funded alcohol programs.

This bill would, instead, require the department to conduct an annual audit of the expenditure of funds administered by the department. This bill would also establish in the State Treasury an Audit Repayment Trust Fund for the deposit of any county repayment of state funds made as a result of the audits. This fund would be subject to appropriation by the Legislature.

(8) The bill would provide that certain provisions shall not become operative if AB 2381 is enacted and becomes effective on or before January 1, 1985, as specified.

Ch. 1330 (AB 3921) Bradley Mental health.

Under existing law, there is no requirement that the State Department of Mental Health transfer its responsibilities for state-funded mental health social services programs to local mental health programs.

This bill would be a state-mandated local program by enacting this requirement, would require, with certain exceptions for a city and county which has a charter containing specified provisions, that the Director of Mental Health negotiate the transfer of state employees to county employment in order to reach mutual agreement consistent with the bill, and would appropriate state funds to the local programs for these purposes. This bill would, in addition, require the department to reimburse the county for additional necessary costs relating to assimilating state staff into county employment, that are incurred by the local mental health program. The reimbursement would be on the basis of 90% state and 10% county funds. The bill would also recognize that the affected county may pursue its other available remedies to seek reimbursement for these costs if the amount reimbursed by the department is not adequate.

This bill would also impose a state-mandated local program by requiring a city and county which has a charter which requires a vote of the electorate to effectuate the assimilation of state employees into the civil service system of the city and county to hold the necessary election at the same time as any regularly scheduled election prior to January 1, 1986.

This bill would take effect immediately as an urgency statute.

Ch. 1331 (SB 706) Vuich. Real property liens.

Existing law does not require the beneficiary or mortgagee of a senior lien on real property to provide information relating to delinquencies of the trustor or mortgagor to the beneficiary or mortgagee of a junior lien.

This bill would impose that requirement, as specified, as to real property containing 1 to 4 residential units, upon receipt of written request therefor, and would provide a sanction for failure to provide the information, in the event of a foreclosure. It would impose related disclosure requirements.

The above provisions would become operative on July 1, 1985, and would remain in effect only until January 1, 1991, and as of that date would be repealed.

Existing law requires that, before any sale of property can be made under a power of sale contained in a deed of trust or mortgage, notice of sale must be given by posting and by publication.

This bill would prescribe the manner of notice by publication if there is no newspaper of general circulation published in the city, judicial district, or county in which the property is located.

This bill would incorporate additional changes in Section 2924f of the Civil Code, proposed by SB 1706, contingent upon the prior chaptering of SB 1706

Ch. 1332 (SB 1425) Royce. Property taxation.

Existing property tax law provides for a disabled veterans' property tax exemption in an amount not to exceed \$40,000 or \$60,000, in certain instances, with respect to the principal place of residence of a veteran who is blind in both eyes, has lost the use of 2 or more limbs, or is totally disabled as a result of injury or disease incurred in military service. This exemption is also available in the above amounts to an unmarried surviving spouse of an eligible veteran who is deceased.

This bill would increase for the 1985-86 through 1990-91 fiscal years the disabled

veterans' exemption to \$100,000 for a veteran who is totally disabled and for the unmarried surviving spouse of a totally disabled veteran, thereby imposing a state-mandated local program by imposing new or different assessment duties on the county assessor.

The bill would require the Controller to report to the Legislature on the amount of the claims made pursuant to Section 2229 of the Revenue and Taxation Code by county auditors for state reimbursement for property tax revenues lost by reason of this enactment.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

Ch. 1333 (SB 1553) Boatwright Housing. age restrictions.

Under the existing law, the Unruh Civil Rights Act does not specifically prohibit discrimination on the basis of age. Case law has interpreted the act to prohibit all arbitrary discrimination by all business establishments of every kind whatsoever.

This bill would become operative contingent upon the enactment of ~~SB 1553~~ [AB 3909]* which would specify that the Unruh Civil Rights Act shall be construed to prohibit a business establishment from discriminating in the sale or rental of housing, based upon age and would provide that where accommodations are designed to meet the special physical and social needs of senior citizens, a business establishment may establish and preserve such housing for senior citizens. This bill would, among other things, prescribe conditions that would apply in such event, such as specified permissible age limitations for residents, other than spouses, or residents providing primary physical and economic support to a qualifying resident, provision for temporary residency of persons under a certain age for no longer than 60 days in any calendar year, and the condition that the housing shall have been developed and put to use as housing for senior citizens, or shall have been substantially rehabilitated and immediately put to use for this purpose. The bill would also provide that its enactment shall not deprive any person who has the right to reside in, occupy, or use the housing subject to this bill, on January 1, 1985, from continuing such residency, occupancy, or use.

Existing law provides that a city, county, or city and county shall grant a density bonus or other incentive of equivalent financial value to a developer who agrees to construct housing, a certain percentage of which is for persons and families of low or moderate income, or lower-income households, as defined.

This bill would provide that these requirements [also]* apply with respect to a developer who agrees to construct housing of which at least 50% of the total dwelling units constitutes a senior housing development, as defined.

The bill would contain a statement of legislative intent.

This bill would create a state-mandated local program by requiring local government agencies to grant incentives for construction of senior housing developments.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch 1334 (SB 1783) Robbins. Tow cars: business licenses.

(1) Under existing law, a city or a city and county may require a business license for the transaction of business within its jurisdiction.

This bill would, with a specified exception, prohibit any city or city and county from imposing a business license tax for revenue-raising purposes on the operation of a tow car within its jurisdiction if the vehicle tower maintains no place of business in the city or city and county. The bill would impose a state-mandated local program by, instead, permitting a city or a city and county to impose a business license tax on such a vehicle tower only if the tax is graduated according to gross receipts attributable to work done in the city or city and county.

(2) Under existing law, the owner or person in lawful possession of private property may cause the removal of a vehicle parked on the property to the nearest public garage under specified conditions.

This bill would make the owner or person in lawful possession of any private property causing such a removal responsible for stating the grounds for the removal if requested by the legal or registered owner of the vehicle. The bill would exempt the towing company from responsibility for the validity of the removal when the removal is with the authorization of the property owner or the property owner's agent. The bill would make the towing company responsible for (1) any damage to the vehicle in the transit and storage of the vehicle and (2) towing the wrong vehicle.

The bill would deem possession of the vehicle to arise when a vehicle is removed from private property and is in transit.

(3) Existing law prohibits persons who operate offstreet parking facilities from towing, removing, or authorizing the towing or removal of any vehicle within 24 hours of the expiration of the period for which a particular fee is charged. More recently enacted provisions of existing law generally prohibit any person from causing the removal of any vehicle from a privately owned and operated fee-paid parking facility until at least 12 hours after the expiration of the period for which the fee is paid for the vehicle.

This bill would delete the latter, more recently enacted provisions of existing law described above.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(5) The bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 1335 (SB 1891) Beverly. California Law Revision Commission: Commission on Uniform State Laws.

(1) Under existing law, there is a Commission on Uniform State Laws.

The bill would abolish this commission and establish a new commission of the same name. The bill would provide, as specified, for the composition, duties, and authority of this commission.

(2) Existing law, generally, requires advance approval by the Governor and Director of Finance with respect to out-of-state travel.

This bill would specify that those provisions are not applicable to members of the Commission on Uniform State Laws.

(3) This bill would appropriate \$270,000 from the General Fund to the Controller for allocation to the California Law Revision Commission and Commission on Uniform State Laws for expenditure, as specified.

Ch. 1336 (AB 3133) Molina. Medi-Cal.

Existing law provides that specified health care practitioners may bill independently for services provided under the Medi-Cal program.

This bill would require the department to establish a pilot project under which nurse practitioners are permitted to bill independently for services provided in a skilled nursing facility or an intermediate care facility, as specified. It would require the State Department of Health Services to establish a reimbursement rate for nurse practitioners who choose to bill independently under the pilot project. It would provide that under this pilot project nurse practitioners shall continue to bill through physicians for Medicare patients until such time as relevant federal regulations are changed or until waivers of relevant federal regulations are obtained.

Under existing law, there is a schedule of benefits available under Medi-Cal, including skilled nursing facility services and intermediate care facility services.

This bill would include within the services noted above the services of nurse practitioners.

The bill would require the State Department of Health Services to submit a report to the Legislature on or before June 30, 1987, concerning the implementation of this bill.

The bill would also require the department to seek any federal waivers necessary to avoid conflict with federal law. Until a waiver is obtained, the bill would authorize the department to limit implementation of the pilot project to the extent that federal matching funds are unavailable.

The bill would provide that its provisions relating to the pilot project would remain in effect until June 30, 1987, and as of that date would be repealed, unless a later enacted statute chaptered prior to that date extends or deletes that date.

This bill would also incorporate additional changes in Section 14132 of the Welfare and Institutions Code, to be effective if either or both AB 3021 and AB 3888 are chaptered, and this bill is chaptered last.

Ch. 1337 (AB 3253) Costa. Aquatic plants and animals.

(1) Under existing law, the Department of Fish and Game may order the destruction and disposal of diseased plants and animals under regulations of the Fish and Game Commission, as specified. Where aquatic plants and animals are destroyed, existing law requires prompt payment from the Aquaculture Disease Compensation Account in the General Fund, which is continuously appropriated, until July 1, 1984, to the department for specified purposes. Claims for payment may be made in a specified manner, and no claim may be paid if the claimant's management practices were negligent or in violation of law, as specified.

This bill would delete the Aquaculture Disease Compensation Account in the General Fund, and provide for prompt payment from the General Fund on claims for destruction of plants and animals to control disease in a specified amount pursuant to a specified procedure.

The bill would require an owner of an aquaculture product who does not diligently pursue the eradication of a disease from its facility to pay the costs of the department for the department's disease eradication efforts, as specified.

A violation of the provisions of the bill would be a crime, thereby, imposing a state-mandated local program.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1338 (SB 2215) Keene Medi-Cal prepaid health plans

Existing law provides that, if specified conditions are met, a Medi-Cal recipient residing in a long-term health care facility will not have earned income which would otherwise be considered in determining the individual's share of costs taken into consideration.

This bill would specify that if these conditions are met, the amount of earned income which would not be deemed as income to the Medi-Cal resident would be the lesser of 70% of the gross therapeutic wages, as defined, or 70% of the maintenance level for a

noninstitutionalized person or family of corresponding size.

Existing law provides that, among other means of obtaining Medi-Cal services, the State Department of Health Services is authorized to enter into contracts with prepaid health plans.

Existing law further provides that the department shall give at least 30 days prior notice to the public of its intent to contract with, or renew a contract with, a prepaid health plan.

This bill would increase the necessary notification period to 60 days.

Senate Bill No. 181 of the 1983-84 Regular Session would enact provisions requiring every organization which operates, conducts or maintains a health facility to make and file with the Office of Statewide Health Planning and Development specified reports concerning assets, liabilities, income, and expenses.

This bill would exempt hospitals authorized as a group, as specified, from reporting patient revenue by each revenue center. These changes would be contingent on the enactment of SB 181.

Ch. 1339 (SB 1533) Robbins. Surcharges and penalty assessments.

Existing law, set forth in the Government Code and the Penal Code, provides for various surcharges on parking fines and forfeitures, and assessments on fines, penalties, and forfeitures on certain criminal offenses, and surcharges on filing fees in civil actions, to be used solely for specified purposes relating to the construction and rehabilitation of courtrooms and other justice facilities and the improvement of criminal justice automated information systems. These provisions are applicable, as specified, in the County of Los Angeles, the City and County of San Francisco, and other counties.

This bill would repeal and reenact those provisions, as provisions of a single chapter in the Government Code, would specifically limit the expenditure of interest earned on the moneys placed in such funds to the purposes authorized by such provisions, would modify provisions relating to the utilization of funds in Los Angeles County, would rename the fund in Los Angeles County as the Robbins Courthouse Construction Fund, and would make corresponding, nonsubstantive changes. The bill would also incorporate changes in those sections made by Chapter 9 of the Statutes of 1984 and Chapter 427 of the Statutes of 1984.

The bill would become operative only if SB 850 is chaptered.

Ch 1340 (AB 2765) Sher. Restitution fines: victims of crime

(1) Existing law provides for the imposition of restitution fines upon persons convicted of various crimes, including certain cases under the juvenile court law.

This bill would specify that these fines are not subject to penalty assessments under other, specified provisions of law. It also would make a related clarifying change with respect to the denomination of a certain penalty assessment.

(2) Existing law provides for the imposition of a restitution fine upon the revocation of probation.

This bill would provide instead that if a restitution fine has been stayed pending successful completion of probation, upon revocation of probation in imposition of sentence, this stay shall be lifted.

This bill would provide that a judgment that a defendant pay a restitution fine, may be enforced in the same manner provided for the enforcement of money judgments generally, subject to a specified exception.

(3) Under existing law, a probation report is required to include the determination of the probation officer whether the defendant is a person who is required to pay a restitution fine, and a recommendation as to the amount of the fine if assistance has been granted to the victim from the Restitution Fund.

This bill would provide instead that a probation officer shall also include in a probation report his or her recommendation of the amount the defendant should be required to pay as a restitution fine and whether restitution shall be to the victim or the Restitution Fund, without regard to whether assistance has been granted to the victim, thereby imposing a new duty on a local agency.

(4) Under existing law, if the person is not eligible for probation, the judge may, in his or her discretion, refer the matter to the probation officer for an investigation of the facts relevant to the sentencing of the person.

This bill would provide, in addition, that if a person is not eligible for probation, the judge shall refer the matter to the probation officer for an investigation of the facts relevant to the determination of a restitution fine in all cases where that determination is applicable, and would require the findings of the probation officer to include a recommendation of the amount of the restitution fine, thereby imposing a new duty on a local agency.

(5) Under existing law, including cases arising under the juvenile court law, the amount of a restitution fine to be paid to the Restitution Fund shall be at least \$100 in the case of a felony and at least \$10 in the case of a misdemeanor; and existing juvenile court law authorizes the judge in felony cases to waive any amount in addition to the minimum fine under specified circumstances.

This bill would delete these minimum restitution fines, and delete provisions for their waiver.

(6) Under existing law, a minor is required to make restitution, as ordered by the court, but only in cases where the minor is not removed from the physical custody of the parent or guardian.

This bill would remove the requirement that a minor be removed from the physical custody of the parent or guardian in order for a minor to be ordered to make restitution.

(7) Existing law imposes certain penalty assessments on fines, penalties, and bail forfeitures for specified traffic offenses, which are deposited in the Assessment Fund in the State Treasury. Until January 1, 1986, the moneys in the Assessment Fund are transferred each month to the Fish and Game Preservation Fund, the Restitution Fund, the Peace Officers' Training Fund, the Driver Training Penalty Assessment Fund, the Corrections Training Fund, the Local Public Prosecutors and Public Defenders Training Fund, and the Victim-Witness Assistance Fund, in specified percentages. Of these funds, only the Local Public Prosecutors and Public Defenders Training Fund has a limit on the total amount which may be transferred thereto annually, the excess, if any, going to the Restitution Fund. From January 1, 1986, to July 1, 1987, the moneys in the Assessment Fund will be transferred each month to the Fish and Game Preservation Fund, the Indemnity Fund, the Peace Officers' Training Fund, the Driver Training Penalty Assessment Fund, and the Corrections Training Fund, in specified percentages. Thereafter, moneys in the Assessment Fund will be transferred monthly to the Fish and Game Preservation Fund, the Indemnity Fund, the Peace Officers' Training Fund, and the Driver Training Penalty Assessment Fund, in specified percentages.

This bill would repeal the provisions for the distribution of moneys in the Assessment Fund which become operative on January 1, 1986, and July 1, 1987, continuing indefinitely the recipient funds and percentage distributions thereto which are currently in effect. In addition, this bill would increase the limit on the total amount which may be transferred to the Local Public Prosecutors and Public Defenders Training Fund from \$500,000 each year to \$750,000 each year.

The bill would appropriate \$250,000 from that fund to the Office of Criminal Justice Planning, as specified.

(8) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(9) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill also makes additional changes proposed by SB 1533, to be operative only if SB 1533 and this bill are both chaptered and become effective on January 1, 1985, and this bill is chaptered after SB 1533.

Ch. 1341 (SB 2167) Richardson County juvenile justice rehabilitation facilities.

Existing law authorizes the imposition of specified assessments on fines and forfeitures, to be used for the construction or improvement of courthouse and criminal justice

facilities SB 1394 and SB 1533 propose to repeal and reenact those provisions as a single chapter in the Government Code, with specified changes.

This bill would amend the provisions added by SB 1394 and SB 1533, contingent upon their enactment, as specified, to authorize the use of such funds in San Bernardino County for purposes relative to county juvenile justice rehabilitation facilities

Ch. 1342 (SB 1928) Craven. Property.

(1) Under existing law, provision is made for the postponement of property taxes on dwellings, including certain mobilehomes, by specified persons, and a system is established for the taking of liens by the state against the property on which the taxes are postponed.

This bill would change the designation "statement of lien" to "notice of lien," and would make technical changes in the treatment of mobilehomes on which liens have been taken. The bill would also make eligible for the postponement program certain mobilehomes voluntarily transferred to the property tax rolls.

(2) Under existing law, provisions of the Employee Housing Act and the Mobilehome Parks Act do not apply, among other things, to a labor camp mobilehome park, recreational vehicle park, or camping area owned, operated, and maintained by an agency or political subdivision of the state.

This bill would provide that the two acts do not apply to a labor camp owned, operated, and maintained by an agency of the state or by any city, county, city and county, or other political subdivision of the state.

(3) Under existing law, the Department of Housing and Community Development in certain cases may rely on the standards of another state in the approval of commercial coaches and recreational vehicles.

This bill, in lieu of the above procedure, would permit the Department of Housing and Community Development to contract with third parties for enforcement of applicable provisions of the Mobilehomes-Manufactured Housing Act for commercial coaches, special purpose commercial coaches, or recreational vehicles manufactured outside this state for sale within this state.

(4) Under existing law, a manufacturer of manufactured homes, mobilehomes, or commercial coaches is required to have an established place of business in this state in specified circumstances.

This bill would delete that requirement.

(5) Under existing law, ownership of property as tenants in common is allowed.

This bill would permit one tenant in common to sell the entire interest in a manufactured home, mobilehome, or commercial coach if the names are separated by "or" but not if they are separated by "and."

(6) Existing law sets forth detailed requirements for dealers and salespersons in manufactured homes, mobilehomes, and commercial coaches and also sets forth numerous requirements for selling or transferring and registering this property.

This bill would vary those requirements. The bill would also make numerous technical and conforming changes.

(7) Under existing law, an annual registration fee is required to be paid on mobilehomes.

This bill would vary the time of payment of these fees, make the fees apply to truck campers, and make related changes with respect to the payment thereof.

(8) The bill would transfer \$5,878,000 from the Energy and Resources Fund to the Special Account for Capital Outlay in the General Fund, and appropriate that amount from the account to the Department of General Services for the construction of a parking garage in the City of Sacramento.

(9) The bill would take effect immediately as an urgency statute. With exception of the provision described in (8) above, the operative date of the bill would be delayed until January 1, 1985.

Ch. 1343 (SB 2090) Lockyer. Elections.

(1) Existing law requires the returning of affidavit of registration materials by the 53rd day before an election.

This bill would require that the material be returned by the 59th day before an election.

(2) An existing provision of the Elections Code contains a uniform circulator's declaration for all election related petitions or papers. However, a separate statute sets forth a circulator's affidavit with respect to statewide initiative and referendum petitions.

This bill would conform the latter circulator's affidavit to the uniform circulator's declaration.

(3) Existing law provides that no person elected or appointed to the governing body of any city, county, or district having an elected governing body, shall be appointed to fill any vacancy on that governing body during the term for which he or she was elected or appointed.

This bill would provide an exception to this provision of law with respect to the appointment of a city council member to fill a vacancy in the office of an elected mayor.

This bill would take effect immediately as an urgency statute.

Ch. 1344 (AB 3993) Felando. Seismic safety. hospitals.

(1) Existing law, contained in the Hospital Seismic Safety Act of 1982, provides for state regulation of the design and construction of any hospital building, as defined. It also prescribes requirements for the construction of certain new buildings which are exempted from the definition of the term "hospital building."

This bill would change the name of the act to the Hospital Seismic Safety Act of 1983, would revise the definition of "hospital building" for the purpose of the act to exclude certain buildings of light steel frame construction, as defined. [It would also eliminate an existing exemption from the act for certain buildings used as intermediate care facilities/developmentally disabled, which were formerly licensed as community care facilities.]*

(2) Existing law establishes a Building Safety Board comprised of 15 members and prescribes the qualifications for 14 of the members.

This bill would require that the 15th member be a local building official.

(3) It would make certain technical, nonsubstantive changes.

Ch. 1345 (AB 2410) Young. Passenger stage corporations. operation in territory served by public transit operators.

Under existing law, no person or corporation may operate a passenger stage without a certificate of public convenience and necessity issued by the Public Utilities Commission covering the proposed operations. The commission may issue a certificate to operate in a territory being served by a passenger stage corporation pursuant to a certificate only when the certificated corporation will not provide the proposed service to the commission's satisfaction.

This bill would require an applicant for a passenger stage certificate to send a copy of the application to each public transit operator operating in any portion of the territory the applicant proposes to serve. The bill would require the commission, before issuing the certificate, to consider the effect of the applicant's proposed operations on the services furnished by any public transit operator.

Ch. 1346 (AB 2287) Jones. Hazardous waste. recycling.

Existing law requires the State Department of Health Services to prepare and adopt a list of hazardous wastes which are economically and technologically feasible to recycle. The department is required to categorize each substance according to the degree of difficulty in recycling it.

This bill would delete the requirement that the department categorize according to the degree of recycling difficulty. The bill would instead require the department to consider prescribed factors when listing a specified hazardous waste and would authorize the department to list a hazardous waste as recyclable only if the department makes a determination that at least one commercial recycler is ready, willing, and able to accept that hazardous waste for recycling.

Ch. 1347 (AB 1786) Alatorre. Pharmacies

Existing law prohibits payment for any rental, lease, or service arrangement between a pharmacy and a hospital or between a pharmacy and persons licensed to practice pursuant to the State Medical Practice Act which is determined as a percentage of the charges made to patients or any measure of hospital or pharmacy revenue or cost, as

specified. The law also requires any lease or rental arrangement existing on January 1, 1981, to comply with its provisions by January 1, 1986. The law requires the California State Board of Pharmacy to enforce those provisions.

This bill would provide that any lease or rental arrangement existing on the effective date of the section shall be in compliance by January 1, 1986, except that any lease entered into prior to January 1, 1980, shall be construed to be in compliance until its expiration or the expiration of any option which is contained in any such lease or rental agreement provided that the lease or rental agreement contains provisions limiting pharmacy charges to amounts not in excess of prevailing charges in hospitals in the area, as specified.

The bill would provide that the Board of Medical Quality Assurance and the State Department of Health Services shall also have the duty of enforcing those provisions and requires licensees of agencies to produce evidence of compliance with those provisions

Ch. 1348 (AB 3187) Wright. Unemployment.

Existing law requires that an individual who has received an overpayment of unemployment compensation benefits be notified by mail or personal service not later than one year after the close of the benefit year in which the overpayment was made.

This bill would require instead that notice be given within the latest of either the above period of time or not later than 6 months after the date a backpay award was made

Ch. 1349 (AB 3153) Bronzan. Emergency medical services

Under existing law, the Emergency Medical Service Authority in the Health and Welfare Agency has been assigned various responsibilities with respect to the methods employed in providing emergency medical services.

This bill would state the intent of the Legislature with respect to the degree of state direction and supervision over emergency medical services. The bill would permit a local emergency medical services agency to create one or more exclusive operating areas, as defined in the development of a local plan. If a local EMS agency elects to create one or more exclusive operating areas, it would be required to submit specified material to the authority for approval.

The bill would prohibit the fact of its enactment or any of the provisions which it would enact from being considered, used, or applied in any litigation pending on January 1, 1985

Ch. 1350 (SB 1813) Dills. Courts: writs.

Existing law establishes a fee of \$14 for serving a writ of possession of real property.

This bill would specify that the \$14 fee applies to serving a writ of possession of real property on an occupant or to posting a copy and serving a copy on the judgment debtor.

Ch. 1351 (SB 1530) Robbins. Unemployment. disclaimer. private corporation

Existing law permits an individual who is the sole stockholder of a private corporation organized for profit and who is an "employee," as defined, to file a statement disclaiming any rights to either unemployment compensation benefits or unemployment compensation disability benefits, or both, and exempts the individual and the corporation from making the required contributions to fund the benefits.

This bill would extend these provisions to those who are the only stockholders other than their spouses, and those who are related by marriage or blood to all the other stockholders and own 25% of the stock.

This bill would also provide that no disclaimer of unemployment compensation benefits filed by those who are related by marriage or blood to all other stockholders and who own 25% of the stock would be effective unless those disclaimers are permitted under federal law.

Existing law requires the Employment Development Department to submit a report to the Legislature containing an analysis, as specified, of stockholders who claimed the above exemption.

This bill would require the department to break down its analysis of stockholders by categories, as specified.

Ch. 1352 (SB 2035) Carpenter. Refugee assistance.

Existing law provides for various public assistance programs, including the Aid to Families with Dependent Children (AFDC) program, which provide aid and services to qualified low-income persons, including refugees.

The State Department of Social Services currently operates a Refugee Cash Assistance Program for specified recipients of aid, not including those receiving aid under the AFDC program.

This bill would provide that the State Department of Social Services shall implement a Refugee Cash Assistance Demonstration Project.

The bill would provide that this program shall provide benefits to those who would, on or after the date upon which the provisions of the bill are implemented, otherwise be eligible under the AFDC program.

The bill specifies that AFDC eligibility criteria are to be used, except where specified, and that no refugee shall remain eligible if he or she has resided in this country for at least 3 years. The bill also applies various provisions relating to the existing Refugee Cash Assistance Program to this demonstration project, including rights and protections granted under that program, as well as provisions relating to sanctions and conciliation proceedings.

The bill requires provision of cultural orientation for refugees covered under the program, as well as language and employment skills training.

The bill would provide that annual reports shall be submitted by the State Department of Social Services to the Legislature on the effectiveness of the program.

The bill would provide that its provisions shall only be operative if permitted by federal law and if adequate federal funding is made available. The demonstration project would be in operation for a period of 3 years.

The bill would authorize the Department of Finance, at the request of the State Department of Social Services, to transfer funds between items in the 1984 Budget Act in order to implement the Refugee Cost Assistance Demonstration Project.

The bill would provide that the department shall implement the demonstration project on July 1, 1984, or as soon thereafter as is possible, through emergency regulations.

This bill would take effect immediately as an urgency statute.

Ch. 1353 (AB 4037) Leonard. Counties grants and subventions

Under existing law, there is a county justice system subvention program requiring the Department of the Youth Authority to provide grants of state funds to eligible counties that apply therefor for local programs, services, and expenses, as specified. That program superseded a former county justice system subvention program, under which funds received by a county could not be used to supplant local funds that would otherwise be expended in support of local criminal justice activities. The former provisions stated that funds which were not used as provided therein revert to the state, as specified.

This bill would provide that any funds obtained by any county under the former law from appropriations for specified fiscal years used to supplant local funds that would have otherwise been expended in support of local criminal justice activities need not be repaid to the state based upon audit exceptions noted by the Controller.

The bill would take effect immediately as an urgency statute.

Ch. 1354 (AB 85) Young. Grade separation projects.

Under existing law, the Public Utilities Commission is required to establish, prior to July 1 of each year, a priority list for grade separation projects. The California Transportation Commission is required to allocate available funds for projects contained in the latest priority list.

This bill would authorize a local agency to construct a project on the priority list prior to the time that it reaches a high enough priority for funding. If the constructed project subsequently reaches a high enough priority for funding, the California Transportation Commission shall allocate funds for the project so long as specified conditions are met.

Ch. 1355 (AB 3233) Stirling. Attorneys: courts.

(1) Existing law requires the hearing, in cases involving the disbarment, suspension, or revocation of an attorney, to be held (1) in the county where the party maintains his or her principal office, (2) where he or she resides, or (3) where the offense is committed.

(2) This bill would delete this provision.

Under existing law an attorney may be disbarred or suspended by the Supreme Court for various causes, including conviction of a crime involving moral turpitude.

This bill would revise the procedure specified by existing law to require specified participation in the procedure by the Office of the State Bar. This revised procedure, among other things, would require the district attorney, city attorney, or other prosecuting agency to notify the Office of the State Bar of the pendency of an action against an attorney, as specified, and would require the court clerk to transmit a certified copy of the record of conviction of a crime to the State Bar within 48 hours of the conviction, thus establishing a state-mandated local program. Within 5 days of receipt of the record, the Office of the State Bar would be required to transmit the record of any conviction which involves or may involve moral turpitude to the Supreme Court, as specified.

(3) Existing law provides for five municipal court judges for Sonoma County and specifies the number, compensation, and classification of municipal court personnel in Sonoma County.

This bill would increase the number of municipal court judges for Sonoma County from five to six, and would revise the number, compensation, and classification of municipal court personnel in Sonoma County, thereby imposing a state-mandated local program. These provisions would only become operative if both SB 365 and AB 3625 of the 1983-84 Regular Session are enacted.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(5) The bill would also provide that no appropriation is made by it because of costs mandated by an additional judge for, and the revision of the number, compensation, and classification of municipal court personnel, in Sonoma County for a specified reason.

(6) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch 1356 (SB 2127) L. Greene. Engineering

Existing law requires any person who practices engineering, in this state, either in a public or private capacity, shall be registered in accordance with the Professional Engineers Act.

This bill would specifically state that the registration requirement shall include any person employed by the State of California, any city, county, or city and county who practices engineering. The bill would state that it is the intent of the legislature that the same registration requirements that apply to private sector engineers shall apply to the state and any city, county, or city and county and for those purposes at least one registered engineer shall be designated as the person in responsible charge of engineering for each branch of engineering practiced in any department or agency of the state, city, county, or city and county.

Existing law provides that civil engineering plans, specifications, reports, or documents may be prepared by a subordinate employee under the direction of a registered civil engineer. Existing law also provides that electrical engineering plans, specifications, reports, or documents may be prepared by a subordinate under the direction of a registered electrical engineer, and that mechanical engineering plans, specifications, reports, or documents may be prepared by a subordinate under the direction of a registered mechanical engineer.

This bill would conform the former provision to the latter provisions by providing that

civil engineering plans, specifications, reports, or documents may be prepared by a subordinate under the direction of a registered civil engineer. The bill would state that this amendment does not constitute a change in, but is declaratory of, the existing law.

Existing law provides that if the State Board of Registration for Professional Engineers and Land Surveyors rejects an application for authorization to use the title "structural engineer," the board may, as specified, refund one-half of the amount of the application fee.

This bill would include within this provision applications for authorization to use the title "soil engineer."

Ch. 1357 (SB 682) Seymour. Environmental quality: environmental impact reports. duties of responsible agencies.

(1) Under the California Environmental Quality Act, lead public agencies, state and local, are generally required to prepare or cause to be prepared by contract, and certify the completion of, an environmental impact report on any discretionary project, as defined, they propose to carry out or approve which may result in a substantial, or potentially substantial, adverse effect on the environment or, if they determine that a proposed project will not have that effect, to adopt a negative declaration. Under the act, whenever a local agency approves or determines to carry out a project subject to the act, it is required to file a notice of that approval or determination with the county clerk of the county or counties in which the project will be located.

This bill would require that notice to be filed within 5 working days after the approval or determination to carry out the project becomes final and that the notice be returned by the clerk to the local agency and retained for at least 9 months after posting, and, in so doing, would impose a state-mandated local program.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) The bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(4) The bill would incorporate additional changes in Section 21152 of the Public Resources Code made by AB 2876, to be operative only if this bill and AB 2876 are enacted and become effective January 1, 1985, and this bill is enacted last.

Ch. 1358 (SB 1716) Speraw. Highways: state park system.

(1) Existing law requires the Department of Parks and Recreation to include a \$1,500,000 appropriation from the Highway Users Tax Account in the Transportation Tax Fund in its budget each fiscal year and requires these funds to be appropriated to the department for the maintenance and repair of highways in units of the state park system.

This bill would require that any increase in that amount be considered in the annual budget process, including review and comment by the Department of Transportation.

(2) The bill would, in augmentation of Item 3790-011-062 of the Budget Act of 1984, require transfer of \$1,500,000 from the Highway Users Tax Account to the State Parks and Recreation Fund and would appropriate the \$1,500,000 to the department [Department of Parks and Recreation]* for expenditure in the 1984-85 fiscal year for the maintenance and repair of highways in units of the state park system.

(3) The bill would take effect immediately as an urgency statute.

Ch. 1359 (SB 2083) Lockyer. Bank and Corporation taxes.

Under existing law, the tax imposed upon financial corporations under the Bank and Corporation Tax Law is in lieu of all other taxes and licenses, including those imposed by municipalities, upon financial corporations, except taxes upon their real property,

local utility user taxes, and sales and use taxes.

This bill, in recognition of pending litigation regarding the application of that statute with respect to business license taxes imposed by charter cities on financial corporations, would establish a procedure to be followed by the Franchise Tax Board concerning: the allowance of an offset as prescribed under existing law for taxes paid, the issuance of proposed deficiency assessments in connection with those offsets pending final court determination; the deferral of final action on those proposed deficiencies pending the final court determination; and the delinquency date and statute of limitations to be applied to those deficiency assessments. It also would make various legislative findings and declarations in connection with those provisions.

This bill would take effect immediately as an urgency statute.

Ch. 1360 (SB 2212) Speraw. Self-service storage facilities: vehicles and vessels

Existing law known as the California Self-Service Storage Facility Act provides that the owner of a self-service storage facility has a lien upon all personal property located at a self-service storage facility for charges and expenses associated with the care and disposition of the personal property

This bill would (1) provide that any lien on a vehicle or vessel subject to registration or identification under the Vehicle Code which has attached and is set forth in the documents of title to the vehicle or vessel shall have priority over any lien created pursuant to the California Self-Service Storage Facility Act; (2) specify how a lien created pursuant to the act on a vehicle or vessel subject to registration or identification under the Vehicle Code shall be enforced, what charges such a lien shall not include, and in what manner proceeds from a sale on such a lien shall be disposed of; and (3) specify the date on which a lien imposed by the act shall attach.

Ch. 1361 (SB 1879) Keene. Insurance: uninsured motorists coverage.

Except as specified, existing law requires every policy of bodily injury liability insurance covering liability arising out of motor vehicle ownership, maintenance, or use to contain uninsured motorist coverage, as specified. Existing provisions of law relating to uninsured motorist coverage exclude from the term "uninsured motor vehicle," a land motor vehicle or trailer operated on rails or crawler treads or a farm-type tractor or equipment designed for use principally off public roads, except while actually upon public roads.

This bill would delete, from these exclusions, a land motor vehicle or trailer operated on rails or crawler treads and a farm-type tractor. However, the bill would also revise the exclusion to refer to any equipment or vehicle designed or modified for use primarily off public roads rather than equipment, designed for use primarily off public roads. It would also specify that nothing in those provisions is intended to exclude from the definition of an uninsured motor vehicle any private passenger type four-wheel drive vehicle or motorcycle if the vehicle was subject to, and failed to comply with, the Financial Responsibility Law.

The bill would amend Section 11580.2 of the Insurance Code to incorporate the changes proposed by both this bill and AB 3984, if both bills are chaptered and become effective January 1, 1985, and this bill is chaptered last.

Ch. 1362 (SB 1559) Royce. Economic and business development.

(1) Existing law establishes the California Economic Development Grant and Loan Fund and specifies, among other things, that the fund is created (a) to receive federal, state, and local money for subsequent allocation by the department in the form of grants or loans to public and private agencies, pursuant to a specified federal law, and (b) to receive repayment of loans or grants and interest thereon for subsequent reallocation as grants or loans

This bill would expand item (a) to authorize the use of the funds for loans or grants to public agencies and private entities, rather than loans or grants to public and private agencies, would revise item (b) to authorize use of the fund for receiving repayment of loans or grants and interest on those loans and grants, for subsequent reallocation, as specified, and would allow the fund to be used for the receipt of fees for subsequent expenditure to protect the state's lender-creditor position, as specified

Existing law requires that state funds allocated to the grant and loan fund in excess

of the 25% needed to match federal funds be available for economic development grants or loans without regard to the federal matching share.

This bill would delete the 25% limitation associated with the federal program and would, instead, require that funds in excess of any amount needed to match federal, state, and local funds be available for these purposes.

(2) Existing law establishes the Department of Economic and Business Development to promote economic development in the state, as specified, and authorizes the department to make loans and grants to qualified agencies pursuant to a specified federal law.

Existing law authorizes the department to impose reasonable charges on all approved loans, all approved grants, and all applications in order to defray budgetary and administrative costs and requires that these fees or charges be deposited in the Special Deposit Fund.

This bill would, instead, deposit these fees or charges in the California Economic Development Grant and Loan Fund and would also state that these fees or charges may be used for those costs necessary to protect the state's positions as a lender-creditor and would specify some, but not all, of those costs.

Ch. 1363 (SB 973) Nielsen. Legislative funds. annual independent audits.

Under existing law, the Assembly Committee on Rules, the Senate Committee on Rules, and the Joint Rules Committee have jurisdiction over funds deposited in the Assembly Contingent Fund, the Senate Contingent Fund, and the Contingent Funds of the Assembly and Senate, respectively. Each rules committee is required to issue a report to the public on the expenditures, as specified, made from the contingent fund subject to its direction and control. Existing law also provides for the reimbursement of Members of the Legislature for living and traveling expenses incurred in connection with their official duties.

This bill would require the Joint Rules Committee to annually contract for an independent audit or audits of the expenditures of the legislative funds administered by the rules committees, of expenditures for legislative printing, and of expenditures for reimbursement of Members of the Legislature, as specified. The bill would require the audits to include an evaluation of these expenditures, as specified, and the accuracy of the financial statements of the rules committees.

Ch. 1364 (AB 3778) Chacon. Bilingual education.

(1) Existing law authorizes the Commission on Teacher Credentialing to issue certificates of language development specialist competence, as prescribed, authorizing persons meeting prescribed minimum qualifications to provide instruction in a bilingual-crosscultural instructional program as a language development specialist, as prescribed. Existing law requires the commission to develop a uniform state examination for the certificate of language development specialist competence, as specified.

Existing law authorizes the demonstration of the competencies for certificates of language development specialist competence required for teachers in kindergarten through grade 12 holding a valid California teaching credential to be accomplished either through: (1) an approved college or university training program and state examination, or (2) through an evaluation by the commission of the teacher's academic training to determine the equivalencies to the requirements for approved programs or teaching experience pursuant to specified provisions of current law and the passing of the approved state examination.

This bill would, instead, authorize these competencies to be demonstrated either through: (1) an approved college or university training program and state examination, or (2) teaching experience pursuant to specified provisions of current law and the passing of the approved state examination.

This bill would authorize persons holding valid California teaching credentials to make direct application to the commission to take the state examination if they meet prescribed minimum requirements. This bill would authorize employing school districts to authorize teachers meeting prescribed minimum requirements to serve as language development specialists pending the administration of the state examination for a language development specialist by the commission. The bill would authorize these teachers to continue to serve as language development specialists for the remainder of the school year if they have taken the state examination upon its initial administration. This

bill would prohibit these teachers from serving as language development specialists in subsequent school years unless they have passed the state examination. This bill would authorize the State Board of Education to authorize one additional year of service upon a demonstration of extenuating circumstances

(2) Existing law prescribes various requirements for the establishment and implementation of bilingual-crosscultural instructional programs.

This bill would enact the Impacted Languages Act of 1984 to enable school districts which are highly impacted by the enrollment of refugee pupils or pupils whose primary languages are sufficiently diverse and in low population concentrations for which there is an insufficient number of trained bilingual-crosscultural teachers or a lack of language arts and other subject content curriculum materials to provide a bilingual education program.

This bill would require the Commission on Teacher Credentialing to issue certificates of language development specialist competence authorizing persons meeting the requirements prescribed under current law for the issuance of these certificates to provide instruction in impacted language programs, as prescribed. This bill would require the commission to provide for the issuance of certificates of language development competence on or before March 1, 1985, and would require the commission to administer the initial examination for these certificates on or before April 1, 1985. This bill would require the commission, on or before June 1, 1985, to develop a plan demonstrating how existing teacher training, bilingual-crosscultural teacher training, and English-as-a-second-language training programs may encourage teacher candidates to provide instruction in an impacted language program.

This bill would require the State Board of Education to adopt rules and regulations necessary for the effective implementation of this bill by July 1, 1985.

This bill would require the Superintendent of Public Instruction to monitor the implementation of impacted language programs and to submit an annual report to the Legislature on the number of pupils served by each impacted language group and grade level.

(3) This bill would take effect immediately as an urgency statute.

Ch 1365 (SB 2112) Nielsen Depredators.

(1) Under existing law, nongame mammals, as defined, and specified game mammals may be taken by the owner or tenant of the premises or by their employees without a license if they are found to be injuring growing crops or other property. Fur-bearing mammals and, on and after January 1, 1986, mountain lions which are injuring property may also be taken, but the taking of elk, bear, beaver, wild boar, gray squirrels or deer that are injuring property requires a permit from the Department of Fish and Game. The owner of livestock may also protect that livestock from depredation by bears. The use of metal-jawed traps for depredator control is restricted, as specified. However, fully protected mammals, as specified, may not be taken except for scientific research.

This bill would change wild boar to wild pig in those provisions. The bill would repeal the exemption for owners protecting livestock from depredation by bears, and would, instead, only permit the immediate taking of any bear or wild pig encountered in the act of injuring, molesting, or killing livestock by the owner of the livestock or the owner's employee if the taking is reported to the department no later than the next working day and the carcass is made available to the department. The bill would include an exemption from this provision for federal, state, or county trappers who kill or trap bears which are killing or molesting livestock but the bill would prohibit the use of metal-jawed traps to take bear by any person, including federal, state, or county employees. The bill would require the department to make a record of the reports. The bill would authorize a department employee or game warden* to issue a permit which confirms that the conditions have been met for the bear or wild pig taken and which may include an authorization for the person to retain and make use of the carcass.

The bill would prohibit the sale of any part of a bear in this state which is lawfully possessed under the provisions of the bill.

(2) Existing law generally authorizes employees of the department and federal and county officers or employees acting in their official capacities, to take or relocate mammals for game management purposes, including control of depredators

This bill would require the department to tag, brand, or otherwise identify, as speci-

fied, ~~any~~ [a large]* depredatory mammal relocated by, or with the approval of, the department for game management purposes.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by changing the definition of a crime

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 1366 (AB 3748) Bates. Health insurance: community residential treatment

Existing law provides that health care service plans may provide mental health coverage. Existing law requires insurers issuing group disability insurance, self-insured welfare benefit plans providing certain health coverage, and certain hospital service plans, to offer mental health coverage.

This bill would, with respect to policies of disability insurance, self-insured employee welfare benefit plans, and nonprofit hospital service plans, provide that coverage for mental or nervous disorders may include community residential treatment services, as specified. It would also authorize health care service plan coverage of professional mental health services to include residential treatment services if directly affiliated with the plan or if enrollees are referred to it by providers affiliated with the plan, as specified.

This bill would incorporate additional amendments proposed by SB 2160, to become operative if both bills are enacted and this bill is enacted last.

Ch. 1367 (SB 2160) Garamendi. Health insurance: psychiatric health facilities.

Existing law requires insurers issuing group disability coverage, self-insured employee welfare benefit plans, and nonprofit hospital service plans to offer coverage for expenses incurred as a result of mental or nervous disorders, as specified under such terms and conditions as may be agreed upon. In the case of a health care service plan, existing law authorizes coverage for professional mental health services, as specified.

This bill would provide that if the terms and conditions of coverage agreed upon include coverage for services provided in a general acute care hospital or an acute psychiatric hospital and do not restrict or modify the choice of providers, the coverage shall include expenses incurred at a psychiatric health facility, as specified.

This bill would incorporate additional changes proposed by AB 3748, to become operative if both bills are chaptered and this bill is chaptered last.

Ch. 1368 (AB 3435) Margolin. Political Reform Act.

Under the Political Reform Act of 1974 no person shall make an expenditure for the purpose of sending a mass mailing, as defined, unless the sender is identified.

This bill would provide instead, that no candidate or committee shall send a mass mailing unless the sender is identified, as specified.

Under the Political Reform Act members of multicounty or multijurisdiction boards or commissions file their Statements of Economic Interest with the Fair Political Practices Commission.

This bill would enable these boards and commissions to file their statements with their filing officer unless ordered to file with the commission.

This bill would also provide that the original statements of designated employees of the Legislature, at the discretion of each house, may be filed directly with the commission.

Under existing law, the Franchise Tax Board is required to audit, on a random basis, 50% of the committees which have raised or expended more than \$10,000.

This bill would require the audit on a random basis of 25% of these committees once the commission determines, on the basis of an audit, that the committee is in substantial compliance with the provisions of the act.

Ch. 1369 (AB 3844) McAlister. Trusts.

Existing law, applicable to testamentary trusts created by a will executed before July

1, 1977, requires the trustee to give certain notice to each beneficiary who shall or may participate in the corpus or income of the trust. In the case of a charitable trust created by a will executed before July 1, 1977, the trustee is required to furnish certain information to the Attorney General.

This bill would impose the above-referenced requirement applicable to charitable trusts regardless of when the trust was created. This bill also would revise the information required to be submitted to the Attorney General by a charitable trust, if the trustee is not required to file a specified report pursuant to the Uniform Supervision of Trustees for Charitable Purposes Act. This bill would authorize the Attorney General to designate by regulation copies of other summaries, statements, forms, or returns to be furnished in lieu of the required information, as specified.

Ch. 1370 (AB 2708) Vicencia. Juvenile court law.

Existing law provides that when an officer takes a minor whom he or she has taken into custody on the basis that he or she may be declared a dependent child of the juvenile court before a probation officer, the officer so taking the minor must notify the minor's parent, guardian, or other responsible relative that the minor is in custody and of the place where he or she is being held; however, the court is authorized to order that such a notification as to the minor's whereabouts shall not be made under specified circumstances.

This bill would provide that where it is impossible or impracticable to obtain such an order prior to the detention hearing, the officer may refuse to disclose the place where the minor is being held if he or she has a reasonable belief that the minor would be endangered by disclosure of the minor's exact whereabouts. It also would provide for subsequent judicial review of such a decision.

Existing law prohibits the inspection of documents filed in a juvenile court proceeding or made available to the probation officer in making his or her report, or to the judge, referee, or other hearing officer, and thereafter retained by the judge, referee, or hearing officer, by persons other than court personnel, the minor who is the subject of the proceeding, his or her parents or guardian, the attorneys for those parties, and such other persons as may be designated by court order.

This bill would also authorize inspection of those documents by child protective agencies and the district attorney, upon the filing of a specified declaration under penalty of perjury.

It also would prohibit the dissemination of records and reports relating to a matter within the jurisdiction of the juvenile court prepared by or released by the court, a probation department, or a county department of social services, any portion of those records or reports, and information relating to the contents of those records or reports, to persons or agencies other than those enumerated above, as specified, as well as prohibiting their attachment to other documents, except as specified.

The bill also would make additional changes to Section 827 of the Welfare and Institutions Code, contingent upon the enactment and prior chaptering of AB 2481.

Ch. 1371 (SB 2252) Marks. Education: sex discrimination and sexual harassment.

(1) Existing provisions of the Education Code prohibit any person from being subjected to discrimination on the basis of sex, as defined, in any program or activity conducted by an educational institution which receives or benefits from state financial assistance or enrolls students who receive state student financial aid. Existing law requires each educational institution or school district governing board, prior to receipt of any state financial assistance or state student financial aid, to provide assurances to the agency administering these funds that each program or activity will be conducted in compliance with the provisions of existing law prohibiting discrimination on the basis of sex.

This bill would revise the provisions of existing law relating to the prohibition of sex discrimination to include harassment or other discrimination, and would define sexual harassment for purposes of those provisions, as specified.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose state-mandated local costs by prohibiting sexual harassment and other discrimination, as defined, by state public school and other educational institutions.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(3) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 1372 (AB 630) McAlister. Trusts.

Existing law sets forth certain standards for trustees in making investments

This bill would revise those provisions as follows:

Existing law requires a trustee in investing, reinvesting, purchasing, acquiring, exchanging, selling, and managing property to exercise the judgment and care which men of prudence exercise in the management of their own affairs, not in regard to speculation, but in regard to permanent disposition of the funds, income, and safety.

This bill would require a trustee to act with the care, skill, prudence, and diligence under the circumstances then prevailing, including the general economic conditions and the anticipated needs of the trust and its beneficiaries, that a prudent person would use in the conduct of a like enterprise with like aims, to attain the goals of the trustor as determined by the trust instrument. The bill would also specifically authorize the consideration of individual investments as part of an overall strategy.

Under existing law, investments may be subject to express provisions or limitations of a trust instrument.

This bill would provide that the above mentioned standards may be expanded or restricted by a trust instrument, and a trustee would not be liable for good faith reliance on those express provisions. The bill would also provide that specified trust language is deemed to incorporate the above mentioned standards, absent other controlling or modifying provisions of the trust instrument.

Under existing law, in the absence of contrary provisions, a trustee may continue to hold property if the trustee in good faith and using reasonable prudence considers the retention in the best interests of the trust.

This bill would specify that the trustee may, without liability, continue to hold property in those circumstances or in furtherance of the goals of the trustor as determined from any trust instrument.

Under existing law, in the absence of contrary provisions, a deposit of trust funds in a bank is qualified to the extent that the deposit is insured pursuant to federal law.

This bill would also provide that the deposit in a bank is authorized to the extent that the deposit is collateralized pursuant to state or federal law

Ch. 1373 (AB 1247) Elder. Aquatic plants.

Under existing law, any person who harvests kelp or other aquatic plants is required to have a license issued by the Department of Fish and Game and to pay a royalty of not less than 5¢ per ton of plants harvested, as determined by the Fish and Game Commission. The commission is authorized to lease to any person an exclusive privilege to harvest kelp in any bed, or part thereof, for 20 years, limited to 25 square miles or 50% of the total area of the kelp resource, as specified. The sum due under the lease is in lieu of the royalties, and it includes a requirement for an annual \$40 advance payment per year and not less than 3¢ per ton of kelp harvested

This bill would revise and recast the provisions under which the commission may lease the exclusive privilege to harvest kelp, if the lease is in the public interest. The bill would require competitive bidding if more than one application is received for the lease of a kelp bed or beds. The bill would continue the existing language prohibiting a lessee from having one exclusive lease to an area in excess of 25 square miles or 50% of the total area of the kelp resources, as specified. The bill would require, for any lease entered into or renewed, on or after January 1, 1985, that an annual deposit of \$40 per square mile be made and credited against royalties. The bill would increase the minimum royalty

payment to not less than 5¢ per ton and provide for preferential renewal or renegotiation of a lease by the lessee. The bill would prohibit assignment of the lease or subleasing and would require the recording of a notice of specified content of the lease in the county in which the leased bed is located. The bill would require the lease, or a renewal thereof, to be approved by the Department of General Services.

Ch. 1374 (AB 1275) McAlister. Reorganization of state government: employment services and training programs.

Existing law requires the Employment Development Department to direct a program of job preparation, training, and placement services to assist economically disadvantaged persons and carry out the Aid to Families with Dependent Children (AFDC) program.

Existing law also makes various changes in this program in order to conform it to requirements of the federal Job Training Partnership Act.

In addition, existing law requires the Governor to conduct a study to implement the intent of the Legislature that personnel and resources supporting specified programs be organized into a single administrative entity. The plan would be required to be submitted to the Legislature by January 1, 1986, and if no changes are proposed, describe the findings and conclusions supporting that determination.

This bill would provide that the Governor shall conduct the above study to determine the appropriate state organizational structure required to achieve the Legislature's intent and purposes in regards to the state's work force rather than to achieve the Legislature's intent and purposes.

Ch. 1375 (AB 1539) M. Waters. Liens: carriers

Existing law provides that a person who, while lawfully in possession of personal property, renders a service to the owner thereof, by labor or skill, employed for the carriage thereof has a special lien, dependent upon possession, for the compensation due for such service.

This bill would provide that a carrier has a lien on freight in its possession for the total amount owed for freightage and other charges and advances due on freight previously delivered, as specified.

Ch. 1376 (AB 2878) Connelly. Motor vehicles: deficiency judgments.

Under existing law, a person who purchases an automobile pursuant to a conditional sale contract, as defined, may be subject to a deficiency judgment if the amount obtained upon disposition of a repossessed or surrendered motor vehicle is insufficient to pay the balance due under the contract and certain costs.

This bill would prohibit a deficiency judgment in the above-specified circumstances unless the court determines that the sale or other disposition was in conformity with the provisions of the Automobile Sales Finance Act and specified provisions of the Commercial Code, as specified.

Ch. 1377 (AB 2646) McAlister. Workers' compensation.

Existing workers' compensation law provides that the charges of all physicians providing industrial medical-legal evaluations shall be rebuttably presumed reasonable if the charges do not exceed the 80th percentile of fees for the appropriate health service area in the appropriate specialty.

This bill would instead provide that these charges shall be rebuttably presumed reasonable if the charges do not exceed the 80th percentile of fees in the appropriate specialty, deleting the requirement that it be in the appropriate health service areas.

This bill would impose a state-mandated local program by requiring some local public agencies to pay higher amounts of workers' compensation medical-legal expenses.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other

available remedies to seek reimbursement for these costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch 1378 (AB 2424) Stirling. Local agencies: flood control projects.

Under existing law, the Legislature has appropriated funds from time to time for certain costs in connection with flood control projects operated by local agencies.

This bill would require the Department of Water Resources to submit to the Controller all approved local agency claims for reimbursement allocations for flood control project within 90 days of receipt of the claim, would require the Controller to perform an audit of completed projects within 9 months after the claim is received by the department, and would require the department, if the Controller is unable to perform the audit within that time period, to pay at least 90% of the claim subject to completion of the audit by the Controller.

The bill would take effect immediately as an urgency statute

Ch 1379 (SB 1508) Craven. Hazardous waste: Hazardous Waste Control Account.

(1) Existing law, operative January 1, 1985, requires the State Director of Health Services to establish a schedule of hazardous waste disposal fees upon persons who dispose of hazardous waste or submit hazardous waste for disposal and to deposit these fees in the Hazardous Waste Control Account. These fees are required to be set to produce revenues sufficient to cover the costs incurred in administering specified hazardous waste regulation provisions

This bill would change the date when that provision becomes operative to April 1, 1985

(2) Existing law sets the amount of the fees, for that hazardous waste disposed of on land or applied to land, as specified. These statutorily set fees became effective July 1, 1984, and will remain in effect until April 1, 1985. Under existing law, these fees are to be paid until December 31, 1984, by operators of hazardous waste facilities and, after that date, by the persons disposing of that waste. Existing law limits the imposition of these fees to the first 3,500 tons of hazardous waste disposed of, or submitted for disposal per month, for specified categories of hazardous waste, until February 1, 1985

This bill would change the date until which these fees are to be paid by hazardous waste operators to March 31, 1985. The bill would provide that these specified fees, which would no longer remain in effect after April 1, 1985, are then to be paid by persons disposing of hazardous waste after April 1, 1985. The bill would specify that the weight limits for imposition of these fees apply to the hazardous waste disposed of, or submitted for offsite disposal, at each specific facility by each producer or at each specific onsite facility. The bill would also extend the date on which these limits would no longer remain in effect to March 1, 1985.

Ch. 1380 (AB 3219) Tanner. Air pollution: toxic air contaminants.

(1) Existing law requires the Director of Food and Agriculture to evaluate the health effects of pesticides which may be toxic air contaminants, to prepare a report on the health effects of these pesticides for formal review by the Scientific Review Panel on Toxic Air Contaminants, to determine whether a pesticide is a toxic air contaminant, to determine the need for control measures for a pesticide which is a toxic air contaminant, and to develop and adopt control measures for these pesticides, as specified.

This bill would establish deadlines for the director's evaluation of health effects of these pesticides and for the scientific review panel's formal review of the director's report, as specified. The bill would require the director to conduct public hearings and to list, by regulation, which pesticides are determined to be toxic air contaminants. It would require the director to conduct public hearings when adopting control measures for a pesticide determined to be a toxic air contaminant.

(2) Under existing law, any person who violates any rule or regulation, emission limitation, or permit condition adopted to control a toxic air contaminant, other than a pesticide, is liable for a civil penalty not to exceed \$10,000 per day.

This bill would make similar civil penalties applicable to the violation of any rule or

regulation, emission limitation, or permit condition of the Department of Food and Agriculture adopted to control a pesticide which is a toxic air contaminant and would require a court to consider specified factors in assessing the civil penalties

(3) Under existing law, any person providing information to the state board, or an air pollution control district or an air quality management district, regarding toxic air contaminants which is a trade secret may identify the information as a trade secret, and the state board or district is prohibited from releasing the information so designated to any member of the public.

This bill would specify that, pursuant to rules of evidence, no information so designated as a trade secret can be for the purpose of concealing fraud or otherwise working an injustice.

Ch. 1381 (SB 1739) Robbins. Vehicles: lien sales.

Under existing law, a garage keeper storing vehicles impounded by a public agency has a lien on the vehicle for towing and storing the vehicle, as specified. Existing law specifies procedures for the sale of the vehicle to satisfy the lien if the owner fails to make payment. Under existing law, the procedures for notice and conduct of the sale are different, depending on whether the value of the vehicle determined by the public agency ordering the impoundment is \$300 or less or over \$300. Chapter 73 of the Statutes of 1984, on January 1, 1985, will raise this threshold amount to \$1,000 until January 1, 1988.

This bill would require the garage keeper or the garage keeper's agent to determine the value of these vehicles for that purpose if the public agency causing removal of the vehicle fails to do so within 3 days after the date of removal of the vehicle. The bill would require, in such a case, that the determination be made under penalty of perjury.

Ch 1382 (AB 2853) Cortese. Arraignments: television.

Existing law authorizes a 2-year pilot project, with the approval of the presiding judge of the municipal court in consultation with the district attorney and public defender, in specified counties, for the use of 2-way television to be used in arraignments, allows a defendant to be accompanied by counsel during such an arraignment; and requires annual reports to the Legislature on the project.

This bill would extend the authorization to a 4-year pilot project; would require the approval of the district attorney, the public defender, and, in the case of San Bernardino County, the supervising judge of any division of the court in which the project is to be conducted, and consultation with the sheriff; would specify that it applies to arraignment in municipal or superior court of a defendant held in any state, county, or local penal facility within the county, except for those who were indicted by a grand jury, and make related changes; and would add Contra Costa, Los Angeles, Shasta, and San Bernardino Counties to, and delete Sacramento from, the counties authorized to participate in the pilot project.

Ch. 1383 (AB 4035) Baker. Malpractice action.

Existing law specifies various grounds for disciplinary proceedings against a holder of a certificate to practice landscape architecture by the State Board of Landscape Architects.

This bill would additionally specify the following:

(1) That every insurer providing professional liability coverage to a certificate holder report any settlement or arbitration award in excess of \$5,000.

(2) That specified settlements or arbitration awards in excess of \$5,000 be reported to the board. Failure to do so would be a misdemeanor punishable by specified fines.

(3) Within 10 days of judgment establishing liability or the commission of certain offenses, the court report the same to the board.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a new program or higher level of service upon local governments by adding a crime

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1384 (AB 2713) Wyman. Surplus state property.

Existing law authorizes the Director of General Services to execute grants to real property belonging to the state whenever such property is sold or exchanged.

This bill would authorize the Director of General Services to sell, exchange, or lease specified property pursuant to those terms and conditions which the director feels are in the best interest of the state, as specified. This bill would require public notice in the disposition of the property, that the money received, except as provided, be paid into the General Fund.

This bill would provide that the net proceeds from the disposition of certain real property described as Parcel 11 in Section 1 of Chapter 762 of the Statutes of 1979 shall be paid into the Armory Fund, notwithstanding other provisions of that chapter, as specified.

Existing law authorizes the Director of General Services to sell or exchange approximately 5 acres of land, being a portion of the California Medical Facility in Vacaville, located on Peabody Road at the southeast corner of the facility, to the City of Vacaville.

This bill would repeal this provision.

Existing law authorizes the Director of General Services to sell or exchange certain real property consisting of approximately 0.6 acres of land fronting on the south side of Sunnyside Road 6 miles southeasterly of the City of Susanville, being a portion of the Department of Fish and Game's Bass Hill Wildlife Area in Lassen County.

This bill would repeal this provision.

This bill would appropriate \$800,000 from the State Parks and Recreation Fund, from proceeds derived from the sale of designated land, for acquisition of lands and improvements at Old Sacramento State Historic Park according to a prescribed schedule.

Ch. 1385 (SB 2191) Seymour. Regional occupational centers and programs.

(1) Existing law requires the State Department of Education to establish a 2-year pilot project commencing January 1, 1983, whereby the governing board of any regional occupational center or program operated by a joint powers agency, a single district, or a county superintendent of schools, in Los Angeles and Orange Counties, may admit to its program or classes, on a full-time or part-time basis, any person who can benefit from the program or class, including a person who does not reside in the attendance area of the center or program, if there are available openings, as specified.

This bill would make these provisions generally applicable to regional occupational centers and programs. This bill would specify that no interdistrict attendance agreement would be required for out-of-district enrollments. This bill would impose a state-mandated local program by requiring regional occupational centers or programs or school districts offering training to pupils residing outside their attendance area to provide for workers' compensation for these pupils enrolled in community classroom programs.

(2) Existing law specifies that for purposes of computing the revenue limits for pupils who enroll in a regional occupational center or program outside their district of residence, the regional occupational center or program shall claim the lesser of the 2 revenue limits, or the rate at which growth average daily attendance is funded, if that amount is less than either of the 2 limits.

This bill would specify that for purposes of computing the revenue limits for pupils who enroll in a regional occupational center or program outside their district of residence, the regional occupational center or program shall claim its own revenue limit.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(4) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and

Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 1386 (AB 2635) Bronzan. Agriculture: pest control.

Under existing law, the Director of Food and Agriculture is responsible for the overall licensing, registration, sale, and use of economic poisons. Existing law requires the county agricultural commissioner to perform specific duties and enforce specific laws and regulations relating to the sale and use of economic poisons at the local level, including the authority to issue a permit which authorizes a person to use or possess an economic poison which the director has designated as a restricted material. Existing law provides that a restricted material permit is conditioned upon compliance with the law and regulations. The California Supreme Court has held that, for the purposes of a permit holder complying with laws and regulations, those laws and regulations include a local initiative ordinance.

This bill would state that the provisions of the Food and Agricultural Code that relate to pest control operations and agricultural chemicals, livestock remedies, and commercial feeds, are of statewide concern and occupy the whole field of regulation regarding the registration, sale, transportation, or use of economic poisons to the exclusion of all local regulation. The bill would also state that no ordinance or regulation of local government, as specified, may prohibit or in any way attempt to regulate any matter relating to the registration, sale, transportation, or use of economic poisons, unless otherwise specifically provided. The bill would also specify that a restricted material permit is conditioned upon compliance with the Food and Agricultural Code and would state that it is the intent of the Legislature to overturn above holding of the California Supreme Court.

Ch. 1387 (SB 1851) Ayala. Loans: payment bonds.

Under existing law, an owner of real property may protect himself or herself against the failure of a contractor to perform a contract for a work of improvement upon real property and make full payment for all work done and materials furnished under the contract by means of a payment bond.

This bill would provide that when a lending institution requires that a payment bond be furnished as a condition of lending money to finance a private work of improvement, if the lending institution in writing accepts a payment bond as sufficient, it may thereafter object to the borrower as to the validity of that bond or refuse to make the loan based upon any objection to the bond only if the bond underwriter was licensed by the Department of Insurance.

Ch. 1388 (AB 3744) Bradley. Coastal zone: local coastal program: City of Carlsbad.

The California Coastal Act of 1976 provides for the planning and regulation of development within the coastal zone, as defined.

The act, generally, provides for the preparation and certification of local coastal programs by the California Coastal Commission for portions of the coastal zone, based on various prescribed planning and management policies set forth in the act. It specifically requires the commission to adopt, as prescribed, a local coastal program for a designated area within the City of Carlsbad, which constitutes the certified local coastal program for the area.

This bill would prohibit levying or collecting agricultural conversion fees under the agricultural subsidy program provided for in that local coastal program.

The bill would specify that it would not affect any right or obligation under any agreement or contract entered into prior to January 1, 1985.

This bill would require that any agricultural conversion fees collected pursuant to the agricultural subsidy program provided for in that local coastal program and not deposited in the agricultural improvement fund in accordance with the program or which have not been expended in the form of agricultural subsidies assigned to landowners by the local coastal program land use policy plan on January 1, 1985, be reimbursed, by the State Board of Control, generally, to the parties that paid the fees, as provided. The bill would appropriate those fees to the State Board of Control for the purposes of making

refunds under these provisions.

The bill would require that the amount of mitigation fee for development of nonprime agricultural lands in the coastal zone in the City of Carlsbad that lie outside of the areas described in specified provisions be determined, with specified minimum and maximum amounts per acre, in the applicable segment of the local coastal program in the City of Carlsbad. The bill would require all those fees to be deposited in the State Coastal Conservancy Fund, and appropriate those fees to, and provide that they be expended by, the conservancy in a specified order of priority

Ch 1389 (SB 957) Keene. Housing.

Existing law authorizes the California Housing Finance Agency to administer a home ownership interest-reduction assistance program and authorizes institutional investors to contract with the agency to participate in the program. Existing law limits the annual aggregate amount of loan commitments which may be made under the program to \$1,000,000,000 during each of the 1983 and 1984 calendar years and provides that no new loan commitments shall be provided after December 31, 1984

This bill would limit the aggregate amount of loan commitments which may be made under that program to \$2,000,000,000 during both of those calendar years instead of an annual aggregate amount of \$1,000,000,000 during each of those calendar years. The bill would provide that no new loan commitments may be provided under the program after June 30, 1987.

Ch. 1390 (SB 1448) Petris. Fire protection: smoke detectors.

(1) Existing state law does not require dwelling units intended for human occupancy, as defined, to contain a State Fire Marshal approved smoke detector in each dwelling unit.

This bill would, except as provided by certain local rules, regulations, or ordinances, make such a requirement for all dwelling units intended for human occupancy, as defined, within the earliest applicable time period as follows:

(a) Upon the owner's application for a permit for alterations, repairs, or additions exceeding \$1,000

(b) For all other dwelling units intended for human occupancy on or after January 1, 1987

It would, however, authorize the State Fire Marshal to exempt certain dwelling units intended for human occupancy with sprinkler systems from these requirements.

This bill would require all used manufactured homes, used mobilehomes, and used commercial coaches to have an operable smoke detector on the date of transfer of title thereto. Knowing violation of this provision would be a misdemeanor.

It would exempt specified high-rise structures from its provisions. It would prescribe specifically the owner's maintenance and installation responsibilities. It would require the State Fire Marshal to adopt certain regulations.

This bill would provide that a violation of certain of its provisions is an infraction punishable by a maximum fine of \$200.

It would provide that its provisions do not apply to single-family dwellings or factory-built housing as regulated by a specified provision.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill creates a state-mandated local program by establishing new crimes.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1391 (SB 1124) Watson. Emergency medical services.

(1) Under existing law, there is an Emergency Medical Services Authority. Existing law provides for the training and certification of prehospital emergency medical care personnel, and for the establishment of uniform guidelines for emergency medical services systems and disaster medical systems guidelines.

This bill would require the authority to establish minimum standards for the designa-

tion and operation of poison control centers, as defined.

This bill would make various technical changes in existing law to update cross references.

The bill would make changes in, and add, several definitions used for purposes of the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, including the reference to "base station hospital" which would be changed to "base hospital."

(2) Under existing law, the Commission on Emergency Medical Services is composed of 14 appointed members with specified backgrounds.

This bill would make various changes in the qualification requirements for members of the commission and would provide that a commission member may continue to serve only if he or she continues to function in the capacity which originally qualified the member for appointment.

(3) Existing law defines medical practitioner and nonmedical practitioner for purposes of certain provisions relating to the reporting of child abuse.

This bill would remove paramedics from the above definition of nonmedical practitioners, and would include in the definition of medical practitioners EMT-I, EMT-II, paramedics, and other persons certified under provisions relating to emergency medical services.

(4) The bill would make various technical corrections to existing law.

(5) This bill would incorporate the changes in Section 11165 of the Penal Code proposed by AB 2702 and AB 2709, which will become operative only if this bill and AB 2702 or AB 2709 or both are chaptered and this bill is chaptered last.

Ch. 1392 (AB 3496) Konnyu. District consolidation, merger, and reorganization

Under existing law, various entities of local government are authorized or required to provide various services.

This bill would authorize the board of supervisors of any county to make loans to districts, as defined, to cover the costs of conducting studies to determine the feasibility of reducing the costs of districts through consolidation, merger, or reorganization. Counties may participate in the program by adopting an ordinance to that effect. Funds for the loan program would be set aside in special accounts, which could not exceed specified amounts. The above provisions would be repealed on January 1, 1991, unless that date is extended or deleted by later enacted legislation. On the date of repeal, any unencumbered balance in a special account would revert to the Special District Augmentation Fund.

Ch. 1393 (AB 3217) Costa. Water and water systems.

The existing provisions of law regulating water and water systems do not apply to a public water system which satisfies various conditions, including the condition that it does not sell water to any person or user.

This bill would create an exception to the above condition for a public water system which provides water service to users in a mobilehome park or multiple unit residential complex through a submeter service system; provided, that the water supply is obtained through a specified type of public water system.

Ch. 1394 (SB 1535) Russell. Household goods carriers violations.

(1) Under existing law, household goods carriers are subject to the jurisdiction and control of the Public Utilities Commission pursuant to the Household Goods Carriers Act. Existing law provides both civil and criminal penalties for specified violations of the act or an order or decision of the commission by carriers and by corporations and persons other than carriers.

This bill would make it a misdemeanor punishable by a fine of not more than \$1,000 for any corporation or person to willfully and knowingly advertise by any oral or written means that the corporation or person is in operation as a household goods carrier when it has no valid household goods permit issued under the [that]* act in effect*.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases,

for making claims to the State Board of Control for reimbursement.

This bill would, by creating a new crime, impose a state-mandated local program.

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1395 (SB 2209) Royce. California Housing Finance Agency: issuance of taxable securities.

(1) Under existing law, the California Housing Finance Agency is authorized to issue revenue bonds, the revenue from which may be used for specified housing developments and other residential structures

This bill would authorize the agency to issue taxable securities to provide sufficient funds to acquire or make residential mortgage loans and to pay interest on the securities, establish reserves to secure the securities, and make other specified expenditures. Proceeds received by the agency pursuant to the bill would be deposited in the Taxable Securities Account which would be created in the California Housing Finance Fund. Any moneys appropriated to the agency for purposes of the bill would be deposited in the account and repaid from revenues received by the agency.

(2) Existing provisions of the Health and Safety Code continuously appropriate the moneys in the California Housing Finance Fund to the agency. However, Section 13340 of the Government Code generally provides that moneys in a fund which is continuously appropriated may not be encumbered on and after July 1, 1985, unless the Legislature, by statute, appropriates those moneys for encumbrance. Because this bill would increase the amount of funds in the California Housing Finance Fund, it would constitute an appropriation.

(3) The provisions of this bill would be repealed on December 31, 1987, unless a later enacted statute extends or eliminates that date

Ch. 1396 (SB 953) Keene. Fish and seafood

Existing law generally specifies labeling requirements for various kinds of food.

This bill would authorize the State Department of Health Services to promulgate regulations which name and describe the characteristics of salmon and any other fish or other seafood it considers appropriate, as specified. Since violation of the regulations would be a misdemeanor, the bill would impose a state-mandated local program. The bill would require the state department to seek recommendations concerning further legislation on seafood labeling and report to the Legislature by January 1, 1986.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1397 (AB 2238) Young. Documents: forged instruments: notary publics: seals.

(1) Existing law authorizes the Secretary of State to appoint and commission notaries public and requires that a notary public keep an official seal, as specified, which shall be affixed by a seal press or stamp which makes legible productions of the seal.

This bill would require the Secretary of State to conduct a study, and to hold public hearings therefor, on the ways of redesigning the seal used by notaries public for the purposes of determining more effective ways of preventing forgery and unlawful procurement in the use of the seal, and to improve the legibility thereof. It would require, among other things, that the study investigate the feasibility of licensing and regulating private industry to manufacture and issue the seal. It would require the Secretary of State to report its findings to the Legislature by July 16, 1985

This bill would require the Secretary of State to also conduct a study on the status of the financial responsibility requirements on the notaries public.

This bill would repeal these provisions on January 1, 1986.

(2) Existing law provides for various actions concerning real property but does not provide for the trebling of damages in certain cases involving forged documents

This bill would provide that, in an action for damages by a homeowner or a trustor against a beneficiary of a trust deed on real property consisting of a single-family residence containing not more than 4 dwelling units, or against an assignee or successor in interest thereof, wherein it is established the instrument was forged in whole or in part by the beneficiary, damages may be trebled. An assignee or successor in interest of a beneficiary or a transferee of a prior assignee or of a prior successor in interest would not be subject to treble damages unless it is established that he purchased or obtained the deed of trust with actual knowledge of the forgery. These provisions would not apply to any person who does not purchase and sell 4 or more trust deeds in a calendar year. It would also provide for treble damages in an action for damages under similar circumstances by an assignee or a successor in interest against a beneficiary of a forged trust deed. These treble damage provisions would apply to any action filed on or after July 1, 1983, as specified.

[(3)]* This bill would impose a state-mandated local program by imposing felony penalties upon a notary public who knowingly and willfully permits the use of the official notarial seal for any purpose not authorized by law, or who knowingly and willfully with interest to defraud performs any notarial act in relation to a deed of trust on specified real property with knowledge the deed of trust contains false statements or is forged in whole or in part.

(4) Existing law imposes misdemeanor penalties upon any person who is not a duly commissioned notary public for, among other things, representing himself or herself as a notary public, assuming or advertising the title of notary public, or purporting to act as a notary public.

This bill would impose a state-mandated local program by imposing felony penalties upon any person who is not a duly commissioned notary public who commits the above specified prohibited acts in relation to specified documents or instruments affecting certain real property.

(5) Existing law authorizes a county recorder to levy a fee of 10¢ for any photographic copy of a folio, which consists of 100 words, excluding punctuation marks. It authorizes a fee of \$1 for the first page and 50¢ for each additional page of a photographic copy of any record not exceeding 11 by 18 inches.

This bill would delete the 10¢ fee for a photographic copy of a folio, and would thereby require a fee of \$1 for the first page and 50¢ for each additional page of a copy of a record not exceeding 11 by 18 inches.

(6) Existing law provides that any person who knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any public office of the state is guilty of a felony.

This bill would impose a state-mandated local program by providing that each act of procurement or of offering a false or forged instrument to be filed, registered, or recorded shall be considered a separately punishable offense.

This bill would impose a state-mandated local program by imposing felony penalties in relation to specified real property transactions upon persons inducing a notary public to perform an improper notarial act by making a false sworn statement to the notary public. It would also impose a fine of \$75,000 on any person who files any false or forged document or instrument with the county recorder, as specified.

This bill would require various specified state departments to notify licensees under their jurisdiction of the provisions of this bill in the course of normal correspondence with the licensees.

(7) The bill would also incorporate additional changes to Section 115 of the Penal Code proposed by SB 2227 contingent upon its prior enactment.

(8) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1398 (SB 2023) Rosenthal. Offshore oil: transportation.

The existing law provides for the regulation of transporting oil in the state.

This bill would require the Governor, or the Governor's designee, to coordinate activities concerning the transport and refining of offshore oil, and would specify the factors to be considered in the coordination efforts. The bill would require the Governor, or the Governor's designee, to work with state and local agencies, and the public, to facilitate the transport and refining of offshore oil in a manner which will promote the greatest public health and environmental and economic benefits to the people of the state.

Ch. 1399 (AB 4025) M. Waters. Housing.

(1) Existing law authorizes redevelopment agencies, housing authorities, cities, counties, and a city and county to issue bonds to finance housing construction and rehabilitation.

This bill would require those entities to at least annually report specified information to the California Debt Advisory Commission regarding those units financed with the proceeds of bonds that are authorized to be issued, and which are issued, on and after January 1, 1985, the sponsors of those units, and the occupants. The bill would require the commission to compile and summarize that information and issue that summary annually to the Legislative Analyst and the Legislature. It would authorize the entities required to make the report to charge a specified fee for the cost thereof. It would impose a state-mandated local program by requiring the new report.

(2) Existing law authorizes the California Housing Finance Agency and a city, county, and city and county to issue revenue bonds for the purpose of financing the construction or development of multifamily rental housing.

This bill would require the agency and those local entities to give priority to processing construction or mortgage loans or take other steps such as reducing loan fees for multifamily rental housing projects that contain units for occupancy by individuals and families whose income does not exceed a specified level or which provide substantial reductions in per unit cost, as determined by the city or county, based on efficiency of design or the elimination of improvements that are not required by applicable building standards. The bill would impose a state-mandated local program by requiring cities or counties to give the priority or make this determination.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1400 (AB 4045) Robinson. City of Garden Grove park. sale. Weed Recreation and Park District.

(1) Existing law contains provisions relative to the discontinuance of parks which generally require the sale of parklands to be approved by a vote of the people.

This bill would provide that notwithstanding those provisions of law, a specified portion of parkland owned by the City of Garden Grove, which is not needed to meet the park and recreation needs of persons residing in the neighborhood served by it, may be sold for consideration without an election, upon adoption of an ordinance declaring that no election will be held. It would provide that, notwithstanding any provision of law, the funds received by the sale shall be deposited in the city's general fund.

(2) Under the Roberti-Z'berg Urban Open-Space and Recreation Program Act, a grant was made to the Weed Recreation and Park District for the acquisition and development of Lincoln Heights Park.

This bill would authorize the district to sell or exchange not more than 10 acres of the park, subject to specified conditions.

The bill would take effect immediately as an urgency statute.

Ch 1401 (AB 3776) Chacon Community colleges: finance; employees: property

(1) Under current law, the terms of the members of the governing board of the Santa Monica Community College District are staggered, with some members' terms scheduled to expire in April 1985, and some members' terms scheduled to expire in April 1987.

Notwithstanding those provisions of existing law, this bill would provide that the terms of the members whose terms were scheduled to expire in April 1985 expired in November 1984, and the terms of those members whose terms were scheduled to expire in April 1987 shall expire in November 1986.

The bill would further specify that the terms of the governing board members elected in November of even-numbered years shall commence on the first Tuesday following that election, and shall be for four years. Each member would be required to continue to serve until his or her successor is elected and qualified. This provision is stated to be declaratory of existing law.

(2) Existing law requires the governing board of each community college district to charge each student a specified fee per semester or per credit semester unit, and exempts students enrolled in certain noncredit courses from these fees.

This bill would also exempt from these fees California State University or University of California students enrolled in remedial classes provided by a community college district, for whom the district claims an attendance apportionment pursuant to an agreement between the district and the California State University or University of California.

(3) This bill would permit the governing board of a community college district to authorize a person to audit a community college course. In lieu of the fees described in item (1), this bill would authorize the governing board of a community college district to charge that person a fee of not more than \$15 per unit per semester. The district would be prohibited from charging students enrolled in classes to receive credit for 6 or more semester credit units a fee to audit 3 or fewer semester units per semester.

This bill would prohibit a student auditing a course from changing his or her enrollment in that course to receive credit for the course, and would require priority in class enrollment to be given to students desiring to take the course for credit towards a degree or certificate.

This bill would exclude classroom attendance of students auditing a course from computations of the apportionment due a community college district.

This bill would require the Board of Governors of the California Community Colleges to adopt any necessary regulations implementing these provisions, as specified.

(4) Existing law requires a community college district to follow specified procedures when selling or leasing real property of the district. One of these requirements is that the district accept the highest responsible bid submitted for the sale or lease of the property, or else reject all bids.

This bill would permit the Board of Governors of the California Community Colleges to waive the requirement that the district accept the highest responsible bid submitted for the sale or lease of district real property when the board of governors determines the waiver would be in the best interests of the district.

(5) Under existing law, any community college district which determines during a fiscal year that its revenues are less than the amount necessary to meet its current year expenditures may request an emergency apportionment, subject to specified requirements and repayment provisions. Existing law specifies that an emergency apportionment shall be repaid to the state over a 3-year period.

This bill would authorize any community college district which has received an emergency apportionment pursuant to this article to request a revision of the revision of the repayment schedule. This bill would require the request to be submitted to the Chancellor of the California Community Colleges, and would require the request to be accompanied by appropriate justification for any deferral of repayment.

This bill would specify that unless a request for a revision to an emergency apportionment repayment schedule has approved pursuant to the provisions of this bill, the 3-year repayment period for emergency apportionments shall consist of 3 consecutive fiscal years commencing with the fiscal year following the year in which the emergency apportionment is made.

(6) Current law authorizes the Compton Community College District to receive an

emergency apportionment for the 1982-83 fiscal year and requires repayment of that emergency apportionment during the 1984-85, 1985-86, and 1986-87 fiscal years.

This bill would require repayment of the emergency apportionment during the 1985-86, 1986-87, and 1987-88 fiscal years. This bill would specify that interest shall not be charged for the 1983-84 fiscal year.

(7) Existing law defines certain offenses for which a record of conviction constitutes proof of conviction of a crime involving moral turpitude for purposes of certain provisions of law relating to the dismissal of permanent community college district employees.

This bill would revise the definition of "sex offense" as used in these provisions.

(8) Section 19 of Chapter 1 of the 1983-84 Second Extraordinary Session, as amended, appropriates \$15,000,000 for the period July 1, 1984 to June 30, 1985, for the purpose of providing financial aid funds directly to low-income students who cannot afford to pay the fee specified in item (1), and for the purpose of defraying the fees for students who are recipients of certain public assistance funds.

This bill would specify that if additional funds are needed to administer these financial aid funds for the 1984-85 fiscal year, after specified procedures are followed, the Controller shall transfer to the Chancellor of the California Community Colleges the additional amount needed, not to exceed \$200,000, from that appropriation.

(9) Under existing law, the Los Angeles Community College District is required to fund the development of Los Angeles Mission College with funds received from the sale, lease, trade, or encumbrance of a specified surplus site

This bill would recognize that the district may not be able to secure those funds during the 1984-85 fiscal year. The bill would express the Legislature's intent to provide the district with a loan, as specified, to begin development in the 1984-85 fiscal year, and would further declare the legislative intent that the loan be repaid during the 1985-86 fiscal year.

This bill would appropriate \$1,700,000 from the Capital Outlay Fund for Public Higher Education to the Chancellor of the California Community Colleges for allocation during the 1984-85 fiscal year as a loan to the Los Angeles Community College District for the development of the Los Angeles Mission College. The bill would require the district to repay the amount of the loan, plus interest, as specified, by June 30, 1986. The chancellor would be required to withhold from the regular apportionment due the district any unpaid balance remaining from this loan after June 30, 1986

Ch. 1402 (AB 191) Goggin Appliances operating efficiency

Under existing law, the State Energy Resources Conservation and Development Commission is required to prescribe standards for minimum levels of operating efficiency for all appliances whose use requires a significant amount of energy on a statewide basis.

This bill would authorize the commission to prescribe other cost-effective measures to promote the use of energy efficient appliances whose use requires a significant amount of energy on a statewide basis

Existing provisions of the Warren-Alquist State Energy Resources Conservation and Development Act prohibit the sale, or offering for sale, in the state of any new appliance regulated by its provisions, which is manufactured on or after July 1, 1984, unless the date of the manufacture is permanently displayed in an accessible place on the appliance.

This bill would exempt any plumbing fitting from that provision

This bill would specify, with exceptions, that during the period of 5 years after the commission adopts a standard for a particular appliance, no increase or decrease in the minimum level of operating efficiency required by the standard for that appliance shall become effective. The bill would prohibit, except as prescribed, the commission or any other state agency from taking any action to decrease any standard adopted under designated provisions on or before June 30, 1985, prescribing minimum levels of operating efficiency or other energy conservation measures for any appliance. The bill would prohibit the ~~commissioner~~ [commission]*, prior to January 1, 1986, from taking any action to increase any standard prescribing minimum levels of operating efficiency for any appliance or from adopting any new standard ~~number~~ [under]* designated provisions. The bill would provide for receiving prescribed information, by the commission, for studying the effects of regulations on the sale of appliances in the state. The bill would require the commission to notify the Legislature of its intent to adopt or amend a standard for an appliance at least one year prior to its adoption or amendment

Ch. 1403 (SB 1867) Boatwright. Public employees retirement systems.

The existing Public Employees' Retirement Law (PERL) authorizes, under specified conditions, the Board of Administration to enter into an agreement with the governing body of a contracting agency and the board of supervisors of a county maintaining a retirement system under the County Employees Retirement Law of 1937 (CERL) for termination of the participation of the contracting agency in the Public Employees' Retirement System and the inclusion of its employees in the county system

This bill would: permit, under PERL, such a termination with respect to local members if particular functions of the contracting agency and local members have been transferred to a district or county service area which participates in a retirement system under CERL; ~~authorized~~ [authorize,]* in ;* CERL, in any county entering into such an agreement, the governing body of the contracting agency or the governing body of the district or county service area to pay all or part of the cost, as determined by the county retirement board, of the liabilities assumed by the county system which exceed the value of the cash and securities transferred to the county system, and authorize those governing bodies to determine the proportion of the liability each pays; and provide, in the Public Employees' Medical and Hospital Care Act (PEMHCA), that a contracting agency which is a city shall be subject to PEMHCA only with respect to a recognized employee organization upon the filing of a resolution of its governing body so electing, as specified.

Ch. 1404 (AB 3021) Margolin. Medical assistance

Under existing law, various services are covered as benefits under the Medi-Cal program.

This bill would provide for the coverage under Medi-Cal of comprehensive perinatal services, as defined.

The bill would provide that the department shall seek federal waivers to obtain federal financial participation for comprehensive perinatal services. The bill would specify that its provisions are not to be implemented unless matching federal funds from Title XIX of the federal Social Security Act are available.

The bill specifies that these comprehensive perinatal services are to be provided through an agreement with specified health care providers

The bill would provide that participation by Medi-Cal recipients in services provided under this bill would be voluntary.

The bill requires the State Department of Health Services to promulgate regulations implementing the provisions of the bill by April 1, 1986, and to report to the Legislature, by July 1, 1985, on its efforts to obtain federal waivers.

This bill would incorporate additional amendments proposed by AB 3133 or AB 3888 or both, contingent upon the enactment of one or more of those bills and this bill being enacted last.

Ch 1405 (SB 2251) Lockyer. Business and professions: architects and landscape architects.

(1) Existing law provides for the certification and regulation of architects by the State Board of Architectural Examiners. Under existing law, accusations against a licensed architect are filed with the board and the board may take certain action against the architect, including the assessment of a fine.

This bill would establish a procedure for the issuance of a citation to a person if there is probable cause to believe the person violated provisions of the law regarding the practice of architecture. The procedure would include a review and hearing by the board. The bill would provide for the assessment of a civil penalty for each citation issued. The bill would appropriate \$10,000 from the California State Board of Architectural Examiners Fund to the board for implementing these provisions.

(2) Existing law regulating the practice of architecture specifies that it does not prevent a person who is engaged in the practice of architecture outside this state from preparing plans and specifications for a stipulated building or other structure in this state, under prescribed conditions

This bill would repeal those provisions

(3) Under existing law, each county or city which requires the issuance of a permit for construction or reconstruction of a building is required to obtain a signed statement that the person who prepared the plans is licensed to prepare them. Existing law provides that it is not the responsibility of the agency that issues the permit to determine

that the person who signed the plans is licensed.

This bill would impose a statewide local mandate by revising those provisions to make it the responsibility of the local agency to make that determination.

(4) Existing law provides that if the board records an oral examination of an applicant for a certificate, it shall, upon request of the applicant, mail a copy to the applicant.

This bill would repeal those provisions.

(5) Existing law requires that certificates issued by the board contain the name of the person to whom the certificate was issued and the person's age.

This bill would delete the requirement that the person's age appear on the certificate.

(6) Under existing law, certificates issued by the board expire at 12 p.m. on August 31 of each odd-numbered year.

This bill would make certificates issued or renewed on or after August 31, 1985, expire at 12 p.m. on the birthday of the certificate holder in each odd-numbered year following the issuance or renewal of the certificate.

(7) The bill would require the board to maintain, publish, and distribute an official roster listing the name, license number, and address of all its licensees. The bill would provide for the collection of a fee for the roster.

(8) Existing law does not authorize the State Board of Landscape Architects to assess administrative fines to landscape architects who have violated the law.

This bill would establish a procedure for the issuance of a citation and the assessment of a civil penalty to any individual who has violated provisions relating to the practice of landscape architecture. The bill would appropriate \$9,000 from the California State Board of Landscape Architects Fund to the board to implement this procedure.

(9) The bill would make related changes and would also make various nonsubstantive revisions.

(10) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs. The bill would, however, appropriate a sum sufficient to pay claims approved by the Controller for reimbursement of costs incurred by a local agency or school district, as a result of this bill, from the California State Board of Architectural Examiners Fund for the fiscal year 1984-85.

(11) The bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act to which Section 2231.5 is applicable would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch 1406 (AB 3773) Chacon Community facilities districts: housing; infrastructure funding.

(1) The existing Mello-Roos Community Facilities Act of 1982 requires that notice of a hearing to be held regarding the establishment of a community facilities district be published in a newspaper of general circulation and also given by first-class mail to each registered voter and to each landowner within the proposed district.

This bill would make the requirement that the notice be given by first-class mail to each registered voter and to each landowner within the district permissive, instead, of mandatory.

(2) Existing law requires that all bonds issued by a community facilities district be advertised and sold to the highest bidder.

This bill would permit the legislative body to sell those bonds at a variable interest rate. The bill would, until January 1, 1987, permit those bonds to be sold at private sale without advertising for bids, if the legislative body determines that such action would result in a lower interest cost on the bonds.

(3) Existing law permits the Department of Housing and Community Development to provide financial assistance to households residing in rental housing or to households that rent space in a mobilehome park which is to be converted to condominium owner-

ship, planned development ownership, or ownership by a stock cooperative corporation in acquiring, among other things, a dwelling unit, as defined

This bill would revise the definition of dwelling unit, for purposes of these provisions, to include factory-built housing, as defined. Since the bill would expand the type of dwelling units for which a household could be financially assisted under those provisions, this bill would make an appropriation

(3.5) Existing law contains various provisions which provide encouragement for the construction of housing for persons and families of low or moderate income

This bill would declare that the state has the primary responsibility to assist local agencies through the creation of an incentive-oriented supplemental financing program for local infrastructure to provide the incentive to local agencies toward facilitating the production of an ample supply of affordable housing and that it is in the public interest and it will serve a public purpose for the Legislature to provide, through this act, a housing infrastructure incentive policy and a concept with broad flexibility and local options, which will provide in cooperation with local agencies, greater encouragement to local agencies to expedite the process of approving needed housing developments. The provisions of the bill would not be self-executing and the bill would prohibit their implementation unless further legislation determines and authorizes their implementation.

These provisions would remain in effect only until January 1, 1990, in the absence of further legislation.

(4) The bill would take effect immediately as an urgency statute.

Ch 1407 (AB 3881) Filante Vessels: licensed brokers

(1) Existing law defines "dealer" for purposes of the Vehicle Code, which include provisions relating to registration of vehicles and certain vessels.

This bill would exempt specified yacht brokers who are selling used boat trailers in conjunction with the sale of a vessel from the definition of dealers for purposes of the Vehicle Code.

(2) Existing law permits the Department of Motor Vehicles to authorize a person to act as agent for the issuance of a certificate of number for undocumented vessels under specified conditions. No provision of law regulates documentary preparation charges by an agent of the department

The violation of provisions of law relating to the registration of vessels are misdemeanors. This bill would impose a state-mandated local program by prohibiting any documentary preparation charge by an authorized agent of the department from exceeding \$20

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1408 (AB 3527) Calderon. Solid waste disposal facilities. financial assurances.

(1) Existing law requires any person who proposes to become an operator of a solid waste facility to obtain a solid waste facilities permit from the enforcement agency designated by the county, except as specified. An enforcement agency is required to forward a copy of the proposed solid waste facilities permit to the California Waste Management Board for the board's concurrence and is also required to certify that, among other things, the proposed solid waste facilities permit is consistent with the standards adopted by the board.

This bill would require the board to adopt standards and regulations after July 1, 1985, but before January 1, 1986, requiring the operator of a solid waste disposal facility, as a condition of permit issuance, modification, revision, or review, to provide assurance of adequate financial ability to respond to personal injury claims and property damage claims, as prescribed, resulting from the facility's operations which occur before closure

The bill would require the board to submit to the Legislature, by July 1, 1985, a report concerning financial assurances for solid waste facilities.

Ch. 1409 (SB 2202) Ayala. Community care facilities.

Under the existing California Community Care Facilities Act, various small facilities for 6 or fewer children are licensed by the State Department of Social Services.

In addition to any other requirements, this bill would require, as a condition of licensure of new facilities which apply for a license after January 1, 1985, that these licensed facilities for wards or dependents of the juvenile court, except foster family homes or small family homes, have one or more facility managers, as defined. The bill would also require the State Department of Social Services to suspend or revoke the license of any facility which knowingly allows any child to have illegal drugs or alcohol on the licensed premises.

The bill would also require inspections for these facilities to be without advance notice, require certain notification of complaints to placement agencies, and prohibit certain persons with a specified conflict of interest from securing a license.

This bill would be a state-mandated local program by imposing new duties on applicants who may be local agencies.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 1410 (AB 3935) Farr. Disasters: economic impact. Specialized Training Institute

Existing law provides for a California Specialized Training Institute in the office of the Adjutant General to assist the Military Department in providing training to state agencies, cities, and counties in their planning and preparation for disasters. It authorizes the Adjutant General to solicit and receive public and private funds for support of the institute, to solicit and receive various firearms, chemicals, and explosive materials as donations to the institute, and requires that all fees and charges be deposited in the General Fund.

This bill would transfer the California Specialized Training Institute from the office of the Adjutant General to the Office of Emergency Services. It would repeal the statutory authority for the institute to exist within the office of the Adjutant General, and would make other changes.

Existing law establishes certain programs to deal with the consequences of various disasters but does not focus on the impact these disasters would have on the business community.

This bill would establish the Economic Disaster Act of 1984 to provide for the planning and response of specified state agencies to disasters in order to reduce economic hardship stemming from certain disasters to business, as specified.

This bill would place general responsibility for the implementation of this act in the Director of the Office of Emergency Services, as specified.

Ch. 1411 (AB 3735) Hill. Deer tags: fees

Under existing law, licensed hunters may obtain deer tags which authorize the taking of deer for fees determined by whether the person is a resident or nonresident and the number of deer tags for which the person applies. The amount of the fees is adjusted by an inflationary index based upon specified costs and expenses of the Department of Fish and Game compared to the 1977-78 fiscal year expenses. Existing law requires those fees to be deposited in the Fish and Game Preservation Fund, which is continuously appropriated until July 1, 1985, to the department and the Fish and Game Commission for specified purposes.

This bill would revise those fees, as specified for the 1985, 1986, and 1987 hunting years, which begin July 1 of each year, and change the inflationary index base year to the

1984-85 fiscal year for deer tags.

The bill would, notwithstanding the termination date of the continuous appropriation of the Fish and Game Preservation Fund, continuously appropriate the fees from deer tags in excess of a specified amount in each year to the department for implementation of specified deer herd management plans. The bill also would require the department to make a specified annual report to the commission and to each fiscal committee of the Legislature. The bill would also limit, as specified, recommendations from the department relating to deer.

Ch. 1412 (SB 1989) Ayala. Juvenile court law.

Existing law delineates a procedure, operative until January 1, 1985, for the commencement of proceedings to declare a minor a dependent child or ward of the juvenile court, which includes prescription of the circumstances under which the probation officer must submit an application requesting the commencement of juvenile court proceedings to the prosecuting attorney and provision that if, after delivery of the application (which is in the form of an affidavit) to the prosecuting attorney, it appears to the prosecuting attorney that the affidavit was not properly referred or that the minor may benefit from a program of informal supervision, he or she may refer the matter to the probation officer for whatever action the probation officer may deem appropriate. On January 1, 1985, these provisions will be repealed and provisions identical to the law existing prior to the enactment of these provisions will be added.

This bill would delete the provisions providing for the repeal of existing law and repeal the sections that would be added January 1, 1985. It also would require, rather than authorize, a referral to the probation officer by the prosecuting attorney in the above-described circumstances, as well as specifying an additional circumstance in which such a referral must be made.

Ch. 1413 (SB 1766) Presley. Obscenity.

Existing law provides for the imposition of a 2, 3, or 4 year state prison term or a fine not exceeding \$50,000, or both, for specified felonies involving commercial distribution of obscene matter depicting minors engaged in or simulating sexual conduct.

This bill would change the term to 2, 3, or 6 years and the fine to a maximum of \$100,000.

Ch. 1414 (SB 2248) Seymour. Weapons.

Existing law prohibits as a felony the manufacture, importation, sale, and possession of various weapons, including metal knuckles.

This bill would define metal knuckles for the purposes of that prohibition to include devices or instruments made wholly or partially of metal for specified uses.

This bill would also prohibit as a misdemeanor, an assault upon the person of another with a weapon that is capable of temporarily immobilizing the victim by the infliction of an electrical charge. In addition, any such assault on a peace officer or firefighter engaged in the performance of his or her duties, when the person committing the assault knew or reasonably should have known the peace officer or firefighter was engaged in the performance of his or her duties, would be punishable as a felony or as a misdemeanor.

This bill would incorporate additional changes proposed by AB 3468, to become operative if both bills are chaptered and this bill is chaptered last.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose state-mandated local programs by enlarging the scope of a crime to include more weapons and by creating a new crime.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1415 (AB 2253) Hauser. Insanity.

(1) Existing law authorizes outpatient status for certain offenders committed to a

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state hospital or other treatment facility, after, among other things, notice by the court to the prosecutor and defense counsel, and the victim or next of kin when requested.

This bill would require notification of the county mental health director of the county and the chief law enforcement officer of the jurisdiction in which a person released for any reason from a state hospital after commitment on the basis of being not guilty by reason of insanity will reside upon release, if that information is available.

The bill also would require, in addition to other information required to be automatically reported to the Department of Justice by state and local facilities regarding certain persons committed to mental health facilities, the reporting of the county in which the person will reside upon release, if known, thus establishing a state-mandated local program.

(2) Existing law delineates a procedure whereby a minor who denies, by a plea of not guilty by reason of insanity, as specified, the allegations of a juvenile court petition accusing him or her of criminal conduct, and who is found to have been insane at the time the offense was committed and not to have recovered his or her sanity, may be confined in a public or private mental health facility for mental health treatment, as specified. Such a minor may not be so committed for mental health treatment for a period longer than the jurisdictional limits of the juvenile court. Existing law states that these provisions shall not be construed to authorize the determination of sanity in juvenile proceedings by a jury.

This bill would authorize an extension of the period of commitment beyond those limits in specified superior court proceedings if the person so committed, by reason of a mental disease, defect, or disorder, represents a substantial danger of physical harm to others, and meets other criteria, as specified. It would also specify that certain provisions relating to outpatient status and escape applicable to adults found not guilty by reason of insanity and committed for mental health treatment are applicable to minors found insane at the time of the commission of an offense and so committed. The bill would state that the provision of a jury trial in superior court on the issue of extension of commitment shall not be construed to authorize the determination of any issue in juvenile court proceedings to be made by a jury.

The bill also would require the State Department of Mental Health to contact all county mental health programs by July 1, 1986, to determine their interest in providing a specified program with regard to judicially committed patients. This provision would be contingent upon the enactment of a specified provision by AB 2381.

The bill would incorporate additional amendments to Section 702.3 of the Welfare and Institutions Code, proposed by SB 1984, contingent upon the prior enactment of that bill.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1416 (SB 1477) Davis. Crimes.

Existing law provides that an applicant for release from a state mental hospital or other treatment facility, upon the ground that sanity has been restored, shall transmit a copy of the application to the county mental health director or a designee.

This bill would delete this provision.

Existing law provides that the court shall give notice of the hearing date of the application to the prosecuting attorney, the county mental health director or a designee, and to the Director of Mental Health.

This bill would delete provisions for notice to the Director of Mental Health, and provide that in addition to those other parties, the court shall give notice of the hearing date to the medical director or person in charge of the facility providing treatment to the committed person and that the notices shall be given at least 15 judicial days in advance of the hearing date.

This bill would impose specified duties upon the county mental health director or a designee and the medical director of the inpatient facility pending the hearing on the application for release when the applicant is confined to an inpatient facility, as speci-

fied, thereby imposing a state-mandated local program.

Existing law requires the court to notify the county mental health director or a designee and the Director of Mental Health whether or not the defendant was found by the court to have recovered sanity.

This bill would delete provisions for notice to the Director of Mental Health, and require the court to additionally notify the medical director or person in charge of the facility providing treatment.

Existing law provides that if the application for the release is not made by the medical director of the state hospital or treatment facility to which the person is committed, no action on the application shall be taken by the court without first obtaining the written recommendation of the medical director.

This bill would provide instead that if the application for the release is not made by the medical director of the state hospital or other treatment facility or by the county mental health director where the person is on outpatient status, no judicial action shall be taken on the application unless a written recommendation is obtained from the medical director of the state hospital or treatment facility or the county mental health director where the person is on outpatient status.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch 1417 (AB 3509) Condt. Vehicles. driving under the influence

(1) Existing law makes it a misdemeanor, with prescribed penalties, for any person to drive a motor vehicle while under the influence of alcohol, a drug, or both, with a blood alcohol level of 0.10% or more, or while addicted to a drug. If the person violating these provisions proximately causes death or bodily injury to another, due to violation of another law or omission to perform a duty imposed by the law, the offense is punishable as a felony or misdemeanor as prescribed.

This bill would impose a state-mandated local program by requiring revocation of probation if any person on probation for the above offenses (a) drives a vehicle with any quantity of alcohol in his or her blood, (b) refuses to submit to a specified chemical test for alcohol, as specified, or (c) commits a criminal offense. The bill would also require, as a condition of any new term of probation, that the person be confined in the county jail for at least 48 hours for each of specified violations of the prior probation, unless the court determines that the interests of justice require otherwise. By imposing such a jail term in these cases, the bill would impose a state-mandated local program. The bill would also impose a state-mandated local program by requiring courts to notify the Department of Motor Vehicles of the probation and probationary term and conditions. The bill would require the department to note the probationary term and conditions in its records.

(2) Under existing law, a conviction of the offense of reckless driving, if it resulted from a prescribed plea bargain from an offense described above, is a prior offense for the purpose of enhancing penalties upon conviction of driving while under the influence of alcohol, a drug, or both, or with a blood alcohol level of 0.10% or more, or while addicted to a drug. However, such a reckless driving conviction is considered for this purpose only if there is a single prior conviction within 5 years preceding the offense charged.

This bill would require consideration of these reckless driving convictions (within 5 years of the charged offense) for purposes of penalty enhancement, regardless of the number of prior convictions. By changing criminal penalties, this bill would impose a

state-mandated local program.

(3) The changes proposed by the bill would become operative July 1, 1985.

(4) This bill would amend Sections 23170 and 23175 of the Vehicle Code to incorporate the changes in those sections proposed by both this bill and AB 3833 if both bills are enacted and this bill is enacted last.

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1418 (AB 2626) Davis Crimes sexual battery

Under existing law, sexual battery is defined as the touching of an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and the touching is against the restrained person's will and for the purpose of sexual arousal, gratification, or abuse. Sexual battery is punishable by either imprisonment in the county jail for not more than one year or in the state prison for 2, 3, or 4 years.

This bill would additionally make it a sexual battery to commit that touching on a person who is seriously disabled or medically incapacitated, and is institutionalized for medical treatment, thereby imposing a state-mandated local program.

This bill would define the terms "seriously disabled," "medically incapacitated," and "institutionalized," as specified.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1419 (SB 2199) Royce Sex offender registration

Existing law requires sex offenders, within 30 days of coming into any county, city, or city and county in which the person resides or is temporarily domiciled for such length of time, to register with the chief of police of the city in which the person resides or the sheriff of the county if he or she resides in an unincorporated area.

This bill would require instead that the person, within 14 days of coming into any county, city, or city and county in which the person temporarily resides or is domiciled for that length of time, to register with the chief of police of the city in which the person is domiciled or the sheriff of the county if the person is domiciled in an unincorporated area.

The bill would delete certain offenses from the list of those subject to registration.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

The bill would provide for written notice by the registering agency to persons required to register prior to January 1, 1985, of the reduction of the registration period, thus imposing a state-mandated local program. Failure to receive the notice would be a defense against the penalties for failure to register within 14 days if the person registered within 30 days.

Ch. 1420 (AB 2427) Young. Escapes.

Under existing law, any information gathered by a law enforcement agency relative to taking a minor into custody may only be disclosed as specified.

This bill would require the person in charge of any secure detention facility, as defined, to notify the police chief or sheriff of the city or county in which the facility

is located of the escape of minors and adults who have committed specified crimes. It would require the names of and any descriptive information about minor escapees to be released by the law enforcement agency so notified to a person who specifically requests the information, would permit its release to assist in the recapture of the minor or the protection of the public, as specified, and would require its release by the Department of Corrections, as specified.

This bill would impose a state-mandated local program by imposing new duties on local law enforcement agencies concerning the notification of law enforcement agencies of the escape of minors and adults from secure detention facilities and concerning the release of the names of those escaped minors.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would take effect immediately as an urgency statute

Ch. 1421 (SB 1578) Keene Child abuse.

Existing law provides that hearsay evidence is inadmissible in a court of law unless the statement falls within a statutory exception to the hearsay rule.

This bill would specify that notwithstanding any other provision of law, for the purpose of establishing the elements of certain sexually oriented crimes involving minors under the age of 12, a court may determine that the out-of-court statement of such a minor may be admitted, if it were included in a written law enforcement or county welfare report, for the purpose of establishing the elements of those crimes so that the confession of a person so accused may be admitted into evidence.

The bill would also provide that if the statement is offered during trial, the court's determination shall be made out of the presence of the jury. If the statement is found to be admissible it may only be admitted out of the presence of the jury and solely for the purpose of determining the admissibility of the defendant's confession.

Ch. 1422 (AB 1031) Goggin Criminal procedure

Under existing law, the record on appeal is prepared in a criminal case as prescribed in rules adopted by the Judicial Council. Existing rules provide that a party may request a correction of clerks' and reporters' transcripts within 10 days after delivery, but that time may be extended to 60 days by the appellate court. Existing rules also provide that if a transcription of oral proceedings cannot be obtained, a settled statement may be permitted.

This bill would provide that in cases where the death penalty has been imposed the record on appeal shall be expeditiously certified. It would provide that if the record on appeal has not been certified within 60 days of the date it is delivered to the parties or their counsel, the trial court shall monitor the preparation of the record and report the status of the record to the Supreme Court.

Existing law requires the official reporter of a superior court in a criminal action or proceeding to take in shorthand all testimony and other specified statements upon order of the court, the district attorney, or the attorney for the defendant, and imposes a similar requirement in justice and municipal courts upon order of the court.

This bill would require for any case in which a death penalty may be imposed that all proceedings in the justice, municipal, and superior court be conducted on the record with a reporter present, thereby imposing a state-mandated local program.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of

making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 1423 (SB 1899) Watson. Crimes abuse of children.

Existing law specifies when a leading question may or may not be asked of a witness

This bill would provide that the court may in the interests of justice permit a leading question to be asked of a child under 10 years of age in a case involving a prosecution for certain acts of cruelty to, or sexual abuse of, a child, as specified

Existing law provides that evidence of certain statements or declarations is not made inadmissible by the hearsay rule for specified reasons

Existing law provides that a person who willfully causes or permits injury to or endangers the health of a child under his or her care or custody under circumstances likely to produce great bodily harm or death is guilty of a misdemeanor or a felony. Under circumstances other than those likely to produce great bodily harm or death, the offense is a misdemeanor.

This bill would increase the felony term for that offense

Existing law provides that a prosecuting witness 16 years of age or under in a case involving any of designated sex crimes is entitled for support to the attendance of a parent, guardian, or sibling of his or her choosing at the preliminary hearing and at the trial, during the testimony of the prosecuting witness. It also provides that all criminal actions in which a person is a victim of designated sex crimes shall be given preference over all other criminal actions in the course of trial. It also provides that when a defendant has been charged with designated sex crimes, where the victim is a person 15 years of age or less, the victim's testimony at the preliminary hearing may be videotaped, as specified

This bill would include acts constituting willful cruelty to, or unjustifiable punishment of, a child, as specified, and infliction of cruel or inhuman corporal punishment or injury on a child, as specified, within the categories of crimes to which those provisions are applicable. It would provide that the provision regarding precedence is applicable to criminal actions in which a person is a victim of incest

Existing law authorizes a magistrate to close the examination during the testimony of a witness who is the complaining victim of a sex offense, as specified

This bill would also authorize closure where the witness is the complaining victim of child abuse, as defined.

The bill also would require the court to order a psychiatrist or psychologist appointed to make a report required to be made in order to grant probation in certain sex offenses to consider certain factors in that report.

Existing law requires law enforcement agencies and county probation or welfare departments to report suspected instances of child abuse to other specified local agencies

This bill would require that the suspected instances of child abuse also be reported to the district attorney's office.

Existing law prohibits the inspection of documents filed in a juvenile court proceeding or made available to the probation officer in making his or her report, or to the judge, referee, or other hearing officer, and thereafter retained by the judge, referee, or hearing officer, by persons other than court personnel, the minor who is the subject of the proceeding, his or her parents or guardian, the attorneys for those parties, and such other persons as may be designated by court order

This bill would also authorize inspection of those documents by child protective agencies and the district attorney upon the filing of a specified declaration under penalty of perjury. It also would prohibit the dissemination of records and reports relating to a matter within the jurisdiction of the juvenile court prepared by or released by the court, a probation department, or a county department of social services to persons or agencies other than those enumerated above, as specified

The bill also would make additional changes to Section 827 of the Welfare and Institu-

tions Code, contingent upon the enactment of AB 2841, as specified.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose state-mandated local programs by revising the elements of a crime and adding reporting requirements for local agencies.

With regard to the elements of a crime, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill would further provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

The bill would also take effect immediately as an urgency statute.

Ch. 1424 (SB 1982) Davis. Narcotics vendor prosecutions.

Existing law provides criteria for enhanced prosecution efforts relative to persons designated as career criminals.

This bill would provide similar criteria for enhanced prosecution efforts relative to producers and sellers of narcotics. The bill would be known as the Major Narcotic Vendors Prosecution Law. The Office of Criminal Justice Planning and the California Council on Criminal Justice would perform specified duties under the bill.

The bill would appropriate 15 million dollars to the Office of Criminal Justice Planning for the purposes of this bill.

The bill would take effect immediately as an urgency statute.

Ch. 1425 (AB 2758) Killea. Juvenile court law.

Existing law provides that in any case in which a minor is alleged to have committed an act which would have been a felony if committed by an adult, the probation officer is required to obtain a statement from the victim concerning the offense, which is included in the social study made by the probation officer and is submitted to the court.

This bill would require the probation officer to obtain a statement from the parent or guardian of the victim if the victim is a minor, or if the victim has died, the victim's next of kin, and to advise all persons from whom a statement is required to be taken as to the time and place of the disposition hearing, thus establishing a state-mandated local program.

It also would provide that all persons from whom a statement is so required to be taken shall have the right to attend the disposition hearing and subject to the court's discretion, to express their views concerning the offense and the disposition of the case.

Existing law provides that the victim of any crime, or the next of kin of the victim if the victim has died, has the right to attend specified sentencing proceedings. Such a person also has the right to appear, personally or by counsel, and to express his or her views concerning the crime, the person responsible, and the need for restitution. These statements are required to be considered by the court in imposing a sentence. These provisions were adopted by initiative, and their amendment requires a two-thirds vote of each house of the Legislature.

This bill would amend those provisions to provide that if the victim is a minor, these rights may be exercised by his or her parent or guardian.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Fi-

nance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

Ch. 1426 (SB 2072) Torres. Vehicles: cruising.

Present law authorizes local jurisdictions to regulate "cruising," as defined, subject to requirements specified in state law. Under existing law, a "cruising" ordinance or resolution is required to specify the maximum number of times that a vehicle may drive past the control point within a specified time period before being subject to a written warning that is required prior to arrest for a cruising violation.

This bill would delete that requirement. The bill would require the ranking peace officer on duty in the affected area to determine that traffic congestion justifies applying controls on "cruising." The bill would also require the portion of the street subject to "cruising" controls to be designated by specified signs.

Ch. 1427 (SB 1331) Beverly. Burglary.

Existing law contains provisions denying probation in first degree burglary cases, except in unusual cases where the interests of justice would best be served by granting probation.

This bill would delete from those provisions certain superseded language relating to misdemeanor burglary.

Under existing law, these limits on probation would remain in effect only until January 1, 1985, unless repealed or a statute is enacted which deletes or extends that date.

This bill would instead repeal the probation limits on January 1, 1986, or upon approval of prison facility sites in Los Angeles and Riverside Counties, as specified, whichever occurs first.

Existing law defines "night-time" for purposes of the burglary provisions.

This bill would repeal that definition.

Ch. 1428 (SB 1612) Russell. Incarceration costs.

Existing law provides that in any case in which a defendant is convicted of an offense and ordered confined, as a term of probation, in a county jail or other local detention facility, the court may, after a hearing, determine the ability of the defendant to pay all or a portion of the reasonable costs of the defendant's incarceration. The payment of the costs is a condition of probation.

This bill would provide that the order for payment of the costs shall be made in the same manner as a civil judgment. However, the order to pay costs of incarceration could not be enforced by contempt. This bill would delete the requirement that the court order the payment of those costs as a condition of probation.

Ch. 1429 (AB 3728) Baker. Juveniles.

Existing law provides procedures whereby a person who has been the subject of juvenile court proceedings may petition the court for sealing of the records. Thereafter, the proceedings in the case are deemed never to have occurred and the subject of the records may reply accordingly to inquiries. Other agencies and officials are also required to seal their records.

This bill would prohibit the court from sealing the records for at least 3 years in any case in which the person has been found to have committed any of specified offenses.

Existing law provides that a minor who has been voluntarily placed with a county welfare department, or who has been adjudged a dependent child of the juvenile court, may be housed in an emergency shelter or placed in a group home or foster family home with minors who have been adjudged wards of the court, as specified.

This bill would additionally permit such housing or detention for any minor as to whom a petition has been filed to declare the minor a dependent child of the court.

Ch 1430 (AB 2501) Bronzan Injurious devices.

Existing law provides for the surrender of certain weapons, which were unlawfully carried or used, to the sheriff or the police, and, except upon the certificate of a judge or district attorney that the retention of a weapon is necessary for the ends of justice, for the sale of these weapons, annually, in July. Existing law also provides that if a weapon is not of the type that can be sold to the public or is not sold, it shall be destroyed in the month of July, next succeeding.

This bill would provide that if a weapon is not of the type that can be sold to the public or is not sold, it shall be destroyed, except upon the certificate of a judge or district attorney that the retention of it is necessary for the ends of justice. The bill would also authorize those weapons to be destroyed more frequently, as specified.

Existing law regulates the sale and possession of certain weapons and destructive devices. Existing law also regulates the use of traps with respect to the taking of fish and game.

This bill would provide that any person who assembles, maintains, places, or causes to be placed a boobytrap device, as defined, is guilty of a felony punishable as specified, subject to a specified exception. It would also provide that possession of any device with the intent to use it as a boobytrap is punishable by imprisonment in the state prison or county jail, or by a fine, or by both. A violation would be a crime, thereby resulting in a state-mandated local program.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

The bill would take effect immediately as an urgency statute.

Ch 1431 (AB 2965) Moorhead Driver's licenses: suspension: implied consent.

Existing law provides for restriction, suspension, or revocation of a person's privilege to operate a motor vehicle for specified causes, including conviction of driving under the influence of an alcoholic beverage or drug, or both, driving with an excessive blood alcohol concentration, or driving when addicted, and also including refusal to submit to chemical testing pursuant to the implied consent law.

This bill would specifically authorize the sentencing court to order the time of suspension for the refusal under the implied consent law to run consecutively with any restriction, suspension, or revocation imposed for a conviction of driving under the influence, with excessive blood alcohol, or when addicted. The bill would make additional changes to conform to SB 1441 if that bill is also enacted.

Ch. 1432 (SB 1914) Presley. Parole

Existing law requires the Board of Prison Terms to meet with each inmate sentenced to other than a determinate sentence within the first year of incarceration solely to review the inmate's file and make recommendations.

This bill would instead require the board to meet with each such inmate during the third year of incarceration for the purposes of reviewing the inmate's file, making recommendations, and documenting activities and conduct pertinent to granting or withholding post-conviction credit.

Existing law provides that certain crimes are punishable by imprisonment in a state prison for a term not to exceed one year and a day; alternatively, these crimes are punishable by imprisonment in the county jail not exceeding one year or by fine not exceeding a specified amount

In the case of 2 such crimes (escape or attempted escape from specified facilities, and failure to provide necessary clothing, food, shelter, medical attendance or other remedial care for one's child) this bill would revise that indeterminate sentence to the determinate sentence of imprisonment in a state prison for one year and one day; with regard to the other offenses it would provide instead that these crimes are punishable by a commitment to county jail not exceeding one year or specified fines, thus eliminating the alternative punishment of these crimes as felonies, and thus establishing a state-mandated local program.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue

and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

For purposes of determinate sentencing, the bill would also provide that a sentence to state prison for a determinate term for which only one term is specified is a sentence to state prison

Ch. 1433 (SB 1693) Roberti. Crimes mental state.

Under existing law enacted by the Legislature, evidence of mental disease, mental defect, or mental disorder shall not be admitted to negate the capacity to form any mental state, including, but not limited to, purpose, intent, knowledge, premeditation, deliberation, or malice aforethought, with which the accused committed the act. Evidence of mental disease, mental defect, or mental disorder is admissible solely on the issue whether or not the accused actually formed a required specific intent, premeditated, deliberated, or harbored malice aforethought, when a specific intent crime is charged.

Also under existing law adopted by the voters, which may not be amended except by $\frac{2}{3}$ vote of each house of the Legislature, in a criminal action as well as any juvenile court proceeding, evidence concerning an accused person's intoxication, trauma, mental illness, disease, or defect shall not be admissible to show or negate capacity to form the particular purpose, intent, motive, malice aforethought, knowledge, or other mental state required for the commission of the crime charged.

This bill would, as to the provisions enacted by the Legislature, provide that evidence of mental disease, mental defect or mental disorder shall not be admissible to show, as well as to negate, the capacity to form any mental state

Existing law provides that the above limitations do not limit a court's discretion, pursuant to the Evidence Code, to admit or exclude psychiatric or psychological evidence on whether the accused had a mental disease, mental defect, or mental disorder at the time of the alleged offense.

This bill would delete the reference to admission of evidence.

Under existing law, in the guilt phase of a criminal action, any expert testifying about a defendant's mental illness, mental disorder, or mental defect shall not testify as to whether the defendant had or did not have the required mental states, which include, but are not limited to, purpose, intent, knowledge, or malice aforethought, for the crimes charged. The question as to whether the defendant had or did not have the required mental states is required to be decided by the trier of fact. Also, existing provisions of the California Constitution provide that relevant evidence shall not be excluded in any criminal proceeding, except as provided by two-thirds vote of the membership in each house of the Legislature.

This bill would repeal and reenact the provision limiting the testimony of experts.

Ch. 1434 (AB 2657) O'Connell Prescription blanks

Existing law generally prohibits forgery of any prescription and specifically prohibits forgery of any prescription for a narcotic drug. Under existing law, prescription blanks for controlled substances are issued by the Department of Justice in serially numbered groups of not more than 100 forms each in triplicate, and are furnished to any practitioner authorized to write a prescription for specified controlled substances. Existing law prohibits obtaining or possessing a prescription for controlled substances that does not comply with provisions governing the issuance of these prescriptions.

This bill specifically would prohibit any person from counterfeiting a prescription blank for controlled substances. The bill would also prohibit any person from knowingly possessing counterfeited prescription blanks. The criminal penalties for the latter offense would vary depending upon the number of counterfeited prescription blanks in a person's possession, as specified. This bill would impose a state-mandated local program by creating a new crime.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for

certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

This bill would take effect immediately as an urgency statute.

Ch. 1435 (SB 2273) Marks. Vessels: small boat towing

(1) Under existing law, a person engaged in the business of small boat towing is not required to be certificated by the state and to meet minimum requirements with respect to the conduct of that business.

This bill would require any person engaged in the business of small boat towing, as defined, to obtain a certificate of registration issued, in accordance with prescribed requirements and procedures, by the Department of Boating and Waterways, and would prescribe minimum requirements to be met in the conduct of the business. The bill would require the Director of Boating and Waterways to establish fees for an application for initial issuance of a certificate of registration and for annual renewal of a certificate. The bill would require those fees to be deposited in the Harbors and Watercraft Revolving Fund to be expended by the department, when appropriated by the Legislature, for the administration and enforcement of these provisions. The bill would permit any small boat towing business registered under the bill's provision rendering aid or assistance, as defined, to a distressed or disabled small boat or operator thereof, or a person receiving those services, to request arbitration proceedings in accordance with prescribed procedures, and would specify related matters.

The bill would impose a state-mandated local program by making violation of any provision of the bill a misdemeanor

(2) Existing law authorizes use of moneys in the Harbors and Watercraft Revolving Fund, when appropriated to the department, and with the advice and consent of the Boating and Waterways Commission, for loans to cities, counties, or districts for construction, improvement, and maintenance of small craft harbors

This bill would appropriate \$3,000,000† to the department for such a loan to the San Mateo County Harbor District to fund rehabilitation of the Oyster Point Marina.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(4) The bill would take effect immediately as an urgency statute.

Ch. 1436 (AB 2961) Vasconcellos. Payment of claims.

This bill would appropriate \$33,136,714†† from the General Fund to the Controller for the payment of claims for reimbursement of costs incurred pursuant to various specified provisions of law.

This bill would also contain legislative declarations regarding whether certain provisions of existing law contain state-mandated local costs.

This bill would take effect immediately as an urgency statute.

Ch. 1437 (AB 848) Bates. Civil rights: sexual orientation

Existing law provides that all persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of their race, color, religion, ancestry, national origin, political affiliation, sex, or position in a labor dispute

This bill would provide, in addition, that all persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence,

† Appropriation in Section 4 of chapter deleted by action of the Governor

†† Appropriation reduced to \$1,366,100 by deleting the appropriations in schedules (c) and (d) of Section 1 of chapter by action of the Governor

committed against their persons or property because of their sexual orientation, as defined, age, or disability

Ch. 1438 (AB 3949) Harris. Environmental quality.

(1) Under the California Environmental Quality Act, lead public agencies, state and local, are generally required to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on any discretionary project, as defined, that they propose to carry out or approve which may result in a substantial, or potentially substantial, adverse change in the environment or, if they determine that a proposed project will not have that effect, to adopt a negative declaration.

This bill would make a legislative declaration that it is the policy of the state that noncompliance with the requirements of the act may constitute a prejudicial abuse of discretion, regardless of whether a different outcome would have resulted in the absence of that noncompliance. The bill would make a further legislative declaration that courts shall continue to follow the established principle that there is no presumption that error is prejudicial.

(2) Under the act, limitations are established with respect to the time within which any action or proceeding may be commenced to attack, review, set aside, void, or annul various acts or decisions of a public agency on the grounds of noncompliance with the act

This bill would require, in all actions to attack, review, set aside, void, or annul acts or decisions of a public agency, except those involving the Public Utilities Commission, on the grounds of noncompliance with the act, that the petitioner file a request not more than 10 days after the action is filed for preparation of the record of proceedings by the public agency. The bill would require the public agency to prepare and certify the record of proceedings, except as specified, not later than 60 days after being served with the request. By imposing this requirement on local agencies, the bill would impose a state-mandated local program. The bill would require the clerk of the superior court to prepare and certify the clerk's transcript on appeal not later than 60 days after the notice designating the papers or records to be included.

The bill would also require a public agency, within 20 days after being served with a petition or complaint to attack, review, set aside, void, or annul any action of the agency, to file a notice with the court of a time and place for all parties in the action to meet and attempt to settle the action. The bill would require the parties to meet and attempt in good faith to settle the action and the dispute forming the basis of the action, as specified. By requiring local agencies to engage in this procedure, the bill would impose a state-mandated local program.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1439 (AB 3346) Katz. Small Business Development Center Act.

Existing law sets forth legislative findings, declarations, and intent regarding small businesses, enacts the Small Business Development Center Act, and creates a Small Business Development Center within the Department of Economic and Business Development. In addition, existing law requires the department to develop a Small Business Development Center plan, as specified. The center is authorized to adopt personnel rules and regulations for its employees and to appoint agents and employees as it requires.

This bill would revise the Small Business Development Center Act by adding local service centers, as defined and specified, to the provisions of the act.

In addition, the bill would change the name "Small Business Development Center" to "California Small Business Development Center" and would repeal existing provisions of the act authorizing the center to appoint certain personnel and to adopt personnel rules and regulations applicable to its employees.

The bill would provide for a director of the center to be appointed by the Governor,

as specified.

In addition, the bill would provide that the services to be performed by the local service centers may be performed by independent contractors or by interagency agreements with public institutions, as designated by the Small Business Development Center plan

The bill also would make technical, nonsubstantive changes.

Ch. 1440 (AB 3750) Bates. Child care and development

Under existing law, several child development programs are administered by the State Department of Education and the Superintendent of Public Instruction

This bill would require the State Department of Education to develop a direct service contract procedure, as specified, for the bidding and award process and for the management and evaluation of the contracts for child care and development services and to develop a process for increasing rates of reimbursement to contractors performing child care services, as specified.

The bill would also require audits, as specified, of organizations contracting with the state under the direct service contract

Ch. 1441 (SB 1579) Rosenthal. Public assistance. overpayments.

Existing law provides for various aid programs, including the Aid to Families with Dependent Children (AFDC) program, under which needy families with dependent children are provided with cash assistance.

Existing law contains provisions for various methods of recouping overpayments made to aid grant recipients, including recoupment through subtraction from future aid grants

This bill would create a state-mandated local program by providing that no determination of ineligibility shall be made retrospectively so as to result in an assessment of an overpayment in circumstances where there is a failure on the part of an applicant or recipient to perform an act constituting a condition of eligibility, if the failure is caused by an error made by a state agency or a county welfare department, and if the amount of the grant received by the applicant or recipient would not have been different had the act been performed

In addition, counties would be required to inform an applicant, recipient, or payee of certain responsibilities regarding eligibility for those services

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 1442 (SB 2229) Craven. Mobilehome Recovery Fund.

(1) Under existing law, detailed provisions deal with claims on the bonds of dealers in manufactured homes, mobilehomes, and commercial coaches, and with the right of action against dealers, salespersons, and sureties.

This bill would repeal those provisions, effective January 1, 1986.

(2) Under existing law, various provisions provide for the licensing and fees of mobilehome dealers and salesmen.

This bill would create the Mobilehome Recovery Fund in the State Treasury and continuously appropriate the fund for the purposes of the bill. The fund would contain the revenues derived from specified taxes and assessments on mobilehome dealers and salespersons, including a fee not to exceed \$10 to be collected when a mobilehome or manufactured home is sold. The fund would be used to pay claims of certain mobilehome

purchasers against dealers or salespersons for failure to honor warranties or guarantees, for fraud, and for willful misrepresentation. If on the first day of any year the amount in the fund exceeds \$1,000,000, the bill would authorize the department to reduce certain fees and increase fees if the fund falls below \$1,000,000.

Ch. 1443 (SB 1802) L. Greene Zoning for mobilehomes.

The existing provisions of Chapter 1142 of the Statutes of 1980 and of Chapter 974 of the Statutes of 1981, among other things, provide for the zoning which shall be applicable to mobilehomes.

This bill would require the Department of Housing and Community Development to conduct a study on the implementation of the above-cited chapters, including specified areas to be covered. The department would be required to report its findings and recommendations to the Legislature by December 31, 1985. The provision requiring the study would be made inoperative on July 1, 1986, and would be repealed on January 1, 1987.

The bill would appropriate \$50,000 from the Mobilehome-Manufactured Home Revolving Fund to the department for the purposes of the bill.

Ch. 1444 (AB 990) Katz. Administrative regulations: small business impact statements.

Existing law establishes the California Small Business Regulatory Flexibility Act.

The bill would change the title of the above act to the California Small Business Regulatory Fairness Act.

Existing statutes define "small business" for purposes of administrative regulations.

This bill would revise the portions of the definition relating to the power output of small businesses generating and transmitting electric power and small business utilities, water companies, and power transmission companies.

Existing statutes require a notice of proposed adoption, amendment, or repeal of a regulation; and require state agencies to submit to the Office of Administrative Law, with the notice of proposed action, and to make available upon request to the public, specified matters.

This bill would include in those specified matters a list of the small business enterprises or their representatives to whom notices of proposed action will be mailed.

Existing statutes require any state agency in proposing to adopt or amend any administrative regulation, if it determines that the action would have a significant adverse economic impact on small business, to take various specified actions; and prescribe the various matters which are required to be included in the rulemaking file of a state administrative agency.

This bill would require any state agency proposing to adopt or amend any regulation to refer in the notice to any studies or relevant data relied upon in making the determination that the regulation has no adverse impact and would require those matters to be included in the rulemaking file of the agency.

This bill would also make other related, technical, and nonsubstantive changes.

This bill would take effect immediately as an urgency statute.

Ch. 1445 (AB 3177) Kelley. Fire suppression: recovery of costs.

Under existing law, generally, any person who negligently, or in violation of law, sets a fire, allows a fire to be set, or allows a fire kindled or attended by that person to escape onto any public or private property is liable for the expense of fighting that fire and for the cost of providing rescue and emergency medical services.

This bill would also make a person, under those circumstances, liable for the cost of investigating and making any reports with respect to the fire and for the administrative costs incurred in recovering these costs from the person, as specified. It would permit a court, as specified, to impose the amount of liability for the charges described above. The bill would also specify that the burden of proof as to liability and the amount of liability shall be on the plaintiff and by a preponderance of the evidence and would provide that any testimony, admission, or other admission made by the defendant shall not be admitted or otherwise used in any criminal proceeding arising out of the same conduct, as specified.

Ch 1446 (AB 3838) Farr. Forest practices: timber harvest plan. approval.

(1) Under the Nejedly-Z'berg Forest Practice Act of 1973, no person may engage in timber operations unless a timber harvesting plan prepared by a registered forester, as specified, has been submitted to and approved by the Department of Forestry for those operations. Under the act, the State Board of Forestry is required, in specified circumstances, to adopt rules and regulations, including bonding requirements, to take into account local needs and which are operative only in an individual county.

This bill would specify that the regulations may require performance bonds or other surety requirements for onsite timber operations and the protection of roads that are part of the haul route.

(2) Under existing law, the act does not provide for an appeal by a county of the approval of a timber harvesting plan.

This bill would provide a procedure for the board of supervisors of a county, for which regulations have been adopted applicable to timber operations in an individual county, to appeal to the State Board of Forestry the approval of a timber harvesting plan.

Ch. 1447 (AB 1557) Bates. Public Social Services.

(1) Existing law provides that, to the extent required by federal law, the income of a sponsor of an alien residing in this state shall be deemed as income to the aliens, for purposes of determining eligibility for public assistance programs

The bill would create a state-mandated local program by providing that when the sponsor is a public or private agency, the alien shall be ineligible for aid under the Aid to Families with Dependent Children program (AFDC) for a period of 3 years after his or her entry into the country, unless the sponsorship terminates prior to that date or it cannot meet the needs of the alien

(2) Existing law provides that, to the extent required by federal law, the income of a dependent child and his or her natural or adoptive parent will be taken into consideration in determining AFDC eligibility.

This bill would create a state-mandated local program by excluding from income to be considered in determining AFDC eligibility earned income of a dependent child derived from participation in the federal Job Training Partnership Act of 1982 and income of a dependent child who is a full-time student pursuant to the federal Deficit Reduction Act of 1984.

(3) Existing law provides that, except for specified nonrecurring lump-sum payments, all lump-sum payments received by an AFDC recipient shall be deemed as income to the recipient during the month received and during future months, depending upon the amount of the lump-sum payment

This bill would apply this provision to all lump-sum payments, as defined by federal law.

This bill would create a state-mandated local program by providing that, where permitted by federal law, any period of ineligibility created due to receipt of lump-sum payments shall be shortened, only if the family experiences a life threatening circumstance requiring the expenditures of the lump-sum payment

(4) Existing law provides that, various types of trust arrangements or securities for funeral or burial purposes, up to a value of the lesser of \$1800 or the amount provided for under federal law, shall not be deemed as resources for purposes of determining AFDC eligibility.

This bill would create a state-mandated local program by eliminating the dollar limitation and including as exempt resources other funeral agreements to the extent consistent with federal law.

(5) Existing law allows an AFDC recipient to possess a home, without the dwelling being considered as a resource to the recipient when used by the recipient as a home.

Existing law also provides that if an applicant for AFDC has entered into a marital separation for purposes of either trial or legal separation or for dissolution, the real property which was the usual home of the applicant shall be exempt from consideration as a resource in determining AFDC eligibility for 3 months following the end of the month in which aid begins

This bill would create a state-mandated local program by providing that any real property which would otherwise be considered as a resource to an individual shall not be considered as a resource for a period of 6 months if a bona fide effort is being made during this period to sell the property. Any payments which would not have been made to the recipient during this 6-month period if the property had not been an exempt

resource due to this provision would be deemed overpayments, and the county would have a lien against the property in order to recoup the overpayments from the proceeds of the sale.

(6) Existing law provides that, to the extent permitted by federal law and regulations, no child or family is eligible to receive AFDC payments if the total gross income, exclusive of AFDC payments, prior to any deduction available to the child or family exceeds 150% of the minimum basic standard of adequate care applicable to the child or family.

This bill would create a state-mandated local program by increasing this percentage to 185% of the minimum basic standard of adequate care.

(7) Existing law requires that when a caretaker relative in a family receiving aid under the AFDC program is receiving sanctions for nonparticipation in the Work Incentive Program (WIN); payments will not be made to the caretaker relative, aid will be given in the form of vendor payments, and the caretaker relative cannot be the protective payee.

This bill would specify that, under circumstances where a caretaker relative is being sanctioned under the WIN program, vendor payments will be made only to the extent required by federal law.

The bill would also eliminate the prohibition against naming the caretaker relative as the protective payee.

(8) Under existing law, 40% of the first \$50 of any amount collected by a county in a month as payment on a required child support obligation to an AFDC recipient shall be paid to that recipient if specified conditions are met.

This bill would eliminate this provision.

(9) Existing law provides for the Medi-Cal program, under which health care services are provided to public assistance recipients and other categories of low-income persons.

Under existing law, persons receiving aid under the AFDC program are automatically eligible for the Medi-Cal program.

This bill would provide that families who have at any time ceased to receive AFDC benefits solely due to the termination of a provision concerning the disregard of specified amounts of earned income, shall continue to remain eligible for Medi-Cal benefits for a period of 9 months.

(10) Existing law contains specified monetary limits on the amounts of resources which may be exempt in determining eligibility for specified persons under the Medi-Cal program.

This bill would instead provide that resources shall be exempt from consideration in determining eligibility for the Medi-Cal program to the extent permitted by federal law.

(11) The bill would provide that all of the foregoing provisions of the bill would be effective only until January 1, 1987, at which time the changes made to existing law by this bill would be repealed.

(12) In augmentation of the Budget Act of 1984, in order to reimburse counties and state agencies for costs incurred due to the provisions of the bill, the bill would appropriate to the State Department of Social Services and the State Department of Health Services specified amounts from the General Fund and specified amounts from the Social Welfare Federal Fund, after transfer from the Federal Trust Fund.

(13) The bill would provide that emergency regulations adopted within 120 days of the effective date of this bill by the State Department of Social Services or the State Department of Health Services, in order to implement the provisions of this bill shall not be subject to the review and approval of the Office of Administrative Law.

(14) The bill would provide that its provisions shall only become effective if SB 2171 is enacted during the 1983-84 Regular Session.

(15) This bill would take effect immediately as an urgency statute.

Ch. 1448 (SB 2171) Nielsen. Public social services

Under existing law, the State Department of Social Services is required to establish a reasonable-cost based rate structure for reimbursement of foster care group home providers under the Aid to Families with Dependent Children-Foster Care program.

This bill would provide that, during the 1984-85 fiscal year, the department shall develop a plan to be used in San Diego County during the 1985-86 fiscal year under which, if the county is able to establish, through documentation, that a deficiency exists

in foster care for one or more specified types of psychologically or emotionally disturbed children provided by foster care group home providers, the department shall authorize a waiver of the existing ratesetting mechanism for a sufficient number of foster care group homes in the county to meet the deficiency.

A new rate would be established for these providers

The bill would provide that its provisions shall remain in effect only until January 1, 1987, and as of that date are repealed, unless a later enacted statute chaptered prior to that date extends or deletes that date.

The bill would provide that the State Department of Social Services shall make a recommendation as to whether this ratesetting mechanism should be expanded statewide for fiscal years subsequent to the 1985-86 fiscal year

The bill would appropriate to the State Department of Social Services \$35,000 from the General Fund and \$35,000 from the Social Welfare Federal Fund, after transfer from the Federal Trust Fund, for support of the department in carrying out the foregoing provisions.

Existing law specifies that various public officials and agencies are not prohibited from requesting from an office or branch of a financial institution information as to whether a person has an account at the financial institutions, and the identifying number of such account.

This bill would also permit county welfare departments to make these requests when investigating fraud.

The bill would require the State Department of Social Services to evaluate a 24-hour welfare fraud hotline pilot project, to assess greater public involvement and assistance in welfare fraud detection

Existing law provides for various criminal offenses concerning the receipt of, or the attempt to receive, aid under the Aid to Families with Dependent Children (AFDC) program and under the Food Stamp Program

This bill would modify these provisions by, among other things, applying these offenses to all aid programs, including the AFDC program, the Food Stamp Program, and county aid and relief programs.

The bill would specify the penalties which shall be used for violations of these offenses concerning fraudulent conduct under these aid programs.

By affecting provisions relating to crimes and infractions, the bill would create a state-mandated local program.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

The bill would provide that its provisions would become effective only if AB 1557 is enacted during the 1983-84 Regular Session.

Ch. 1449 (AB 2719) Bane. Sentences.

Existing state law does not generally provide for the imposition of a criminal penalty upon a person who commits or attempts a felony because of the race, color, religion, nationality or country of origin of the victim; however, existing law authorizes the penalty of death or imprisonment for life without possibility of parole in murder cases where the victim was intentionally killed because of his race, color, nationality or country of origin. There are also criminal penalties under federal law for deprivation of rights on the basis of race, color, religion, national origin or other specified factors, and there are state and federal civil remedies for violation of civil rights, as specified

This bill would provide that the commission or attempt to commit a felony because of the race, color, religion, nationality or country of origin of the victim would constitute a circumstance in aggravation for purposes of felony sentencing generally, except as specified

The bill would make a related, nonsubstantive change.

Ch. 1450 (SB 2004) Royce. Sales and use tax: exemption: oxygen delivery systems.

Existing California Sales and Use Tax Law imposes a state sales or use tax on the sale or use of tangible personal property in the state, unless the sale or use is exempted from the tax. However, existing law exempts from state and local sales and use taxes, until December 31, 1984, any medical oxygen delivery system, including, but not limited to, liquid oxygen containers, high pressure cylinders, and regulators, when sold, leased, or rented to an individual for his or her personal use as directed by a physician.

This bill would extend this exemption indefinitely by eliminating the termination date.

Counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes. Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes.

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would appropriate \$18,750 to the Controller to make the reimbursements to counties and cities specified in Section 2230.

This bill would take effect immediately as a tax levy.

Ch 1451 (SB 1655) Alquist. Payment of claims.

This bill would appropriate \$713,599.74 from specified funds to the State Board of Control to pay the claims of the Secretary of the State Board of Control.

This bill would take effect immediately as an urgency statute.

Ch. 1452 (SB 1598) Stiern. Costs of trial.

Existing law permits specified state departments to advance a certain percentage of payments to counties with a population of 100,000 or less on January 1, 1963, under specified procedures. These provisions would be repealed January 1, 1986.

This bill would limit the application of the provision to counties with a population of 150,000 or less, and delete the January 1, 1986, repeal date.

Existing law provides for the reimbursement of counties by the Controller for costs related to trials of prisoners for crimes committed in state prison, and provides that in these trials the sheriff of the county where the trial or hearing is held and the person in charge of the prison may agree that the Department of Corrections shall transport the prisoners to and from the prison.

This bill would provide that they may agree that the county shall perform this transportation.

Existing law provides for the reimbursement of counties for costs related to trials of crimes committed in furtherance of, or in connection with, the escape of prisoners from state prison, but this provision applies only to trials based on indictments filed between November 1, 1970, and June 30, 1971.

This bill would remove those time limitations, and specify that crimes committed under certain circumstances, including cases in which there is not a final judgment prior to January 1, 1984, are committed in furtherance of escape.

Existing law requires a statement of costs of trials in connection with an escape or attempted escape of state prisoners to be sent to the Director of Finance. Existing law also requires the director to examine and audit the statement for compliance and further requires the director to pay that portion of costs the director determines is in compliance to the county out of appropriate funds. Existing law also provides that if sufficient funds are not available, the director shall include any amounts necessary to satisfy the claims in a request for a deficiency appropriation.

This bill would instead impose those duties on the Controller and would require the Controller to request the Director of Finance to include any amounts necessary to satisfy the claims in a request for a deficiency appropriation if sufficient funds are not available.

This bill would appropriate \$500,000 to the Department of Corrections for expenditure in fiscal year 1984-85 in augmentation of a specified item of the Budget Act of 1984 for the purpose of paying the claims referred to above relating to the transportation of prisoners and the costs of trial.

Ch. 1453 (SB 1428) Petris. Food banks.

(1) Existing law authorizes the board of supervisors of any county to establish and publicize the availability of a surplus food collection and distribution system, as specified.

This bill would additionally create the Food Bank Advisory Committee within the State and Consumer Services Agency composed of 6 members, as specified, appointed by the Governor, and would direct the committee to provide information to the agency and to review procedures, as specified, on food bank programs and advise the agency in the establishment of food banks and the distribution of surplus food commodities. Members of the committee would receive per diem payments, as specified, and the bill would appropriate \$25,000 to the agency to cover that expense. The criteria for qualification as a food bank would be specified.

(2) The Secretary of the State and Consumer Services Agency would be required to review a federal Temporary Emergency Food Assistance Program and to submit a report of the review to the Legislature on or before March 1, 1985. The bill would also authorize the Department of Finance to allocate specified funds received from the federal government to the State Department of Education for its administrative costs related to the program.

(3) The bill would take effect immediately as an urgency statute.

Ch 1454 (SB 1302) Dills. Health benefits. retired judges

An existing provision of the Public Employees Medical and Hospital Care Act provides that a judge who retires but is not yet receiving his or her pension shall be entitled to have his or her coverage and the coverage of any family members continued until he or she commences to receive his or her pension, upon assuming payment of the contributions otherwise required of the employer on account of the enrollment.

This bill would, in addition, provide that a judge who retired prior to January 1, 1983, and was enrolled in a health benefits plan on the date of retirement, shall be entitled to have his or her coverage and the coverage of any family members continued upon assuming the employer contributions during the period he or she is not yet receiving a retirement allowance, provided that application for this health benefits coverage is made prior to July 1, 1985.

This bill would also provide that any judge who is eligible under these provisions who was on deferred retirement status and is receiving a retirement allowance may apply for health benefits coverage prior to July 1, 1985. It would require the state to pay the employer contribution for this coverage, except if the judge retired from municipal court.

Ch. 1455 (AB 3306) Leonard. Juveniles: regional youth educational facilities

Existing law provides for the commitment of certain juveniles who are made wards of the court to juvenile halls, juvenile homes, ranches, and camps.

This bill would additionally authorize, as a pilot project ending June 30, 1987, a voluntary program for the establishment and administration of regional youth educational facilities under the control of the Youth Authority, as specified. Under this project, wards of the court not committed to the Youth Authority could be committed to such a facility. The Youth Authority would be required to evaluate the project and report its findings and recommendations to the Legislature no later than January 1, 1987.

Existing law provides that a ward of the juvenile court who is assigned by order of the court to rehabilitative work without pay on a public work project, is entitled to workers' compensation benefits, under specified conditions.

This bill would add the provision that a ward of the juvenile court who is committed to a regional youth educational facility and engaged in rehabilitative work without pay on public property would similarly be entitled to workers' compensation benefits, under certain conditions.

Existing law directs local boards of education to provide for public schools in juvenile homes, halls, day centers, ranches, and camps.

This bill would provide for public schools in any regional youth educational facility as well.

The bill would appropriate \$1,000,000 to the Youth Authority for the purposes of the bill.

The bill would take effect immediately as an urgency statute. Specified portions would be inoperative on June 30, 1987, and would be repealed as of January 1, 1988.

Ch. 1456 (AB 3497) Konnyu Insulation standards.

Existing law provides for the establishment and enforcement of insulation standards by the State Energy Resources Conservation and Development Commission.

This bill would transfer specified duties and responsibilities relating to insulation standards to the Bureau of Home Furnishings and would make related changes. The bill would continue to require the commission to adopt regulations relating to standards for additional insulation installed in existing buildings and would continue the commission's authorization to adopt regulations pertaining to urea formaldehyde foam insulation, as specified.

This bill would appropriate \$139,000 to the bureau to carry out the provisions of this bill in fiscal year 1984-85.

Ch. 1457 (AB 3917) Hayden Neighborhood watch

Under existing law, the Office of Criminal Justice Planning has certain duties relative to the California Community Crime Resistance Program, including efforts to promote neighborhood involvement.

This bill would require the office to conduct 3 regional neighborhood watch leadership and training conferences, as specified. This requirement would be repealed on January 1, 1986, unless extended by later-enacted legislation. The bill would also appropriate \$90,000 to the office for the purposes of conducting the conferences.

Ch. 1458 (AB 2215) Hannigan. Income taxes.

Under the existing Personal Income Tax Law, various provisions of the federal Internal Revenue Code of 1954 in effect as of a specified date are referenced in various sections of the Revenue and Taxation Code. It provides that for any introduced bill which proposes changes in any of those dates, the Franchise Tax Board shall prepare a complete analysis of the bill which describes all changes to state law which will automatically occur by reference to federal law as of the changed date. It further requires the Franchise Tax Board to immediately update and supplement that analysis upon any amendment to the bill, and requires that analysis to be made available to the public and to be submitted to the Legislature for publication in the daily journal of each house of the Legislature.

This bill would change the specified effective date of those referenced Internal Revenue Code sections to January 1, 1984, for taxable years beginning on or after January 1, 1984.

Under existing Personal Income Tax Law, certain types of deductions are specifically excluded from reference to the federal Internal Revenue Code of 1954, including net operating losses.

This bill would specify that net operating loss carryovers from prior taxable years shall not be excluded from reference to the federal Internal Revenue Code of 1954.

Under both the state and federal income tax laws, a tax credit is allowed for the elderly. However, beginning with the 1984 taxable year, there are various differences between the federal and state laws resulting from changes in federal law, including, among other things, differences in eligibility requirements and the amount subject to the credit.

This bill would generally make the new federal provisions applicable for state income purposes limited to 50% of the allowable federal amount, with specified exceptions and special transitional rules applicable to individuals not meeting the new eligibility requirements who claimed the credit before the 1984 taxable year.

Under the existing Personal Income Tax Law and Bank and Corporation Tax Law, an additional tax is imposed on items of tax preference. Under the federal income tax laws, an alternative minimum tax is imposed which is computed under a formula utilizing items of tax preference. Under both laws, there are differences in the items of tax preference.

This bill would add, for state income tax purposes, 3 new items of tax preference already provided for under federal income tax laws, which include mining exploration and development costs, research and experimental costs, and magazine and prepublication expenses. This bill would delete from items of tax preference certain gains derived from the exercise of specified stock options when the fair market value of the share exceeds the option price.

Existing provisions of the Personal Income Tax Law make no express provision for the taxability of federal social security benefits or federal railroad retirement benefits, although specified provisions of federal income tax law, effective for taxable years ending

after December 31, 1983, make certain of these benefits partially taxable for federal income tax purposes.

This bill would make the aforementioned federal income tax provisions inapplicable for state income tax purposes.

This bill would correct or delete erroneous section cross-references. It also would make various technical and clarifying supplemental changes to the Personal Income Tax Law and the Bank and Corporation Tax Law relating to, among other things, the deductibility of expenses for attending a convention, seminar, or other meeting held on a cruise ship.

This bill would require the Franchise Tax Board to report to the Legislature on or before January 31, 1986, on the results of the federal backup withholding program in connection with compliance and enforcement activities in this state.

This bill would make additional changes in Section 17024.5, Revenue and Taxation Code, proposed by AB 2380, to be operative only if AB 2380 and this bill are both chaptered, and this bill is chaptered after AB 2380.

This bill would make additional changes to Section 17063, Revenue and Taxation Code, proposed by SB 1278, to be operative only if SB 1278 and this bill are both chaptered, and this bill is chaptered after SB 1278.

This bill would take effect immediately as a tax levy.

Ch 1459 (SB 2337) Foran. State-mandated local costs.

Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies for any increased costs which they are required to incur as the result of any statute enacted, or executive order issued, after January 1, 1973, which mandates a new program or an increased level of service of an existing program, as specified. A similar requirement is imposed on the state with respect to school districts regarding any statute enacted after January 1, 1973, or executive order issued after January 1, 1978. Section 6 of Article XIII B of the California Constitution supplements these statutory provisions and imposes a constitutional requirement of reimbursement for certain costs mandated by the state after July 1, 1980.

Under existing statutory law, if a local agency or school district believes that it has not been fully reimbursed for costs imposed by a statute or executive order, a procedure for making and determining a claim for reimbursement is provided. The State Board of Control makes the initial determination regarding a claim and provision is made for judicial review of the board's determination. If it is finally determined that a claim should be allowed, in whole or in part, the board is required to so report to the Legislature, which, in turn, is directed to introduce legislation to provide for an appropriation sufficient to pay the claims allowed.

This bill would create the Commission on State Mandates, which would replace the State Board of Control with respect to the initial determination regarding a claim for reimbursement. The commission would be composed of the Controller, Treasurer, Director of Finance, the Director of the Office of Planning and Research, and a public member appointed by the Governor to a specified term, subject to Senate confirmation.

This bill would revise the definition of "costs mandated by the state" with regard to costs incurred after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975.

This bill would provide a specific procedure for state reimbursement of costs mandated by the state with regard to any bill introduced or amended on and after January 1, 1985, which the Legislative Counsel has determined will mandate a new program or higher level of service pursuant to Section 6 of Article XIII B of the California Constitution. With regard to each of those bills, the reimbursement would be made directly from the State Mandates Claims Fund, a continuously appropriated fund which would be created, rather than going through the local government claims bill process, to the extent that the statewide cost of a particular claim does not exceed \$500,000.

The bill would also provide that all claims for reimbursement which have not been included in a local governmental claims bill enacted prior to January 1, 1985, would be transferred to and considered by the commission as claims filed on and after January 1, 1985, with the commission.

The bill would appropriate \$200,000 for administration of the program from January

1, 1985, to June 30, 1985, inclusive, and \$10,000,000 to the State Mandates Claims Fund Ch 1460 (AB 3121) Filante. Hazardous substance. cleanup authority.

Under existing law, the California Pollution Control Financing Authority is empowered to provide financing for projects which prevent or reduce environmental pollution from the disposal of liquid or solid waste.

This bill would create, under the Filante-Johnston Hazardous Substance Cleanup Financing Authority Act, the Hazardous Substance Cleanup Financing Authority, which would consist of the Director of Finance, the Controller, and the Treasurer. The bill would specify its organization and functions and would authorize the authority to issue up to \$100,000,000 in revenue bonds, notes, or other evidence of indebtedness, for the purpose of financing removal of, and remedial actions to, releases of hazardous substances. The bill would also require the authority to submit an annual report to the Legislature, would require the authority to deposit all proceeds from these bonds and notes and obligations into the Hazardous Substance Cleanup Financing Fund, which the bill would create, and would continuously appropriate fund moneys to the authority to carry out these provisions.

Ch 1461 (AB 3544) Costa. Water quality: pollution of wells: Tijuana River sewage.

(1) Under existing law, waste discharge requirements are required to be adopted, under the Porter-Cologne Water Quality Control Act, to control the disposal of pollutants into wells.

This bill would also require waste discharge requirements in areas where pollutants may enter into a well from the surrounding groundwater.

(2) The Budget Act of 1984 appropriates \$5,500,000 for local assistance to be used for a 10% match of federal funds available for the first phase of constructing an interim solution to the pollution problem in the Tijuana River created, but not mitigated, in Mexico.

This bill would amend the Budget Act of 1984 to instead require the funds so appropriated to be used for the initial phase of construction of a sewage treatment facility to handle raw sewage entering the United States from Tijuana. The bill would require all funds so appropriated to be attributed to any federal match required by federal participation in the project, and would specify related matters, except that the bill would also reappropriate \$135,000 of that amount for continuing the testing of the Coordinate Chemical Bonding Absorption Process currently being conducted at the Santee Lakes Reclamation Facility, for the purpose of determining the feasibility of removing metals, toxics, and other pollutants from sewage in the Tijuana River.

Ch. 1462 (AB 3137) Statham. Watermaster service areas

Existing law provides for the creation of watermaster service areas and generally requires that $\frac{1}{3}$ of the cost of administration of a service area be paid by the state and that $\frac{2}{3}$ be paid by the owners of the rights to divert or store water within the service area, apportioned among the owners as specified.

This bill would change the state's share of these costs to $\frac{1}{2}$ and the owner's share to $\frac{1}{2}$.

The bill would appropriate \$86,000 to the Department of Water Resources for costs incurred pursuant to the bill

Ch. 1463 (AB 1689) Wright. Child support.

Existing law authorizes the court, in any proceeding where the court has ordered either or both parents to pay child support, to order either or both parents to assign to a specified official a portion of the parent's salary or wages sufficient to pay the support. Upon petition by the parent ordered to pay support, the court is required to terminate the order of assignment upon proof of full payment for certain specified periods.

This bill would provide that if an assignment were made pursuant to a second petition for assignment filed within 24 months, the assignment must continue for 24 months, rather than 12 months, in order for the assignment to be terminated. If the assignment were made pursuant to a third or subsequent such petition filed within 48 months, rather than the current requirement that the assignment continue for 18 months, the bill would provide that the assignment shall not be terminated unless upon petition by the parent ordered to pay support and a designated determination by the court.

This bill, in addition, would further provide that the district attorney may request a wage assignment at the time a complaint for support is filed. The bill also provides for automatic wage assignments to the county in any case where support is ordered, not only in those cases involving AFDC recipients. The bill also would provide that the county must forward child support received on behalf of a child not receiving AFDC within 7 days, thus establishing a state-mandated local program.

This bill would establish a program, to be known as the Workers' Compensation Notification Project, whereby the Division of Industrial Accidents would be required to cooperate in the enforcement of child support obligations; the director would be required, at the request of the Director of Social Services, to assist in providing information regarding persons receiving disability benefits or those who have filed an application for adjudication of a claim. The State Department of Social Services would be required to assist local agencies in child support enforcement activities, as specified. The bill also would authorize a lien against workers' compensation benefits for the reasonable living expenses of the spouse or minor children of an injured employee on the application of the assignee of the spouse, a former spouse, or minor children of the employee, as specified.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would take effect immediately as an urgency statute.

Ch. 1464 (AB 2419) Agnos. Elderly persons: health insurance counseling.

Existing law provides for the Department of Aging, which is required to perform specified duties concerning administration of programs for elderly persons.

This bill would provide for a statewide Health Insurance Counseling and Advocacy Program, to be established by the department, in consultation with the California Commission on Aging.

The bill would require the department, in consultation with the commission, to select local contracting organizations to provide education and legal assistance to Medicare beneficiaries and to recruit, train, and assist volunteer counselors on private insurance and Medicare matters.

The bill contains standards for selecting local contractors as counseling and advocacy coordinators.

The bill also requires a report to be made to the Legislature on the funds appropriated by the bill, and on specified matters.

The bill would appropriate \$425,000 for fiscal year 1984-85 from the General Fund to the Department of Aging in order to carry out the purposes of this bill.

Ch. 1465 (AB 2366) Moorhead. Medi-Cal providers.

Existing law provides for the Medi-Cal program under which public assistance recipients and other low-income persons are provided with basic health care services.

Existing law further provides that the State Director of Health Services shall suspend a provider's right to take part in the program upon a final conviction of a felony, or of a misdemeanor under specified circumstances. The director is required to impose the suspension only after a final appeal has been taken, or the time for appeal has lapsed, or an order of probation has been entered.

This bill would, in addition, provide that the suspension may be ordered by the director, if he or she believes that suspension would be in the best interests of the Medi-Cal program, without the need for an appeal to have been taken, or the time for

appeal to have lapsed, or an order of probation to have been entered

The bill would provide, however, that if a judgment is reversed on appeal, a provider may immediately file a reinstatement petition.

Existing law requires that Medi-Cal providers submit cost reports to the State Department of Health Services in those instances where information is needed in order to determine whether Medi-Cal payments have been properly made to the provider

This bill would provide that the health care provider's chief executive officer would have to certify that hospital cost reports are true and correct. In the case of a hospital operated as a part of a coordinated group of health facilities, and under common management, the certification could be made by either the hospital's chief executive officer or administrator, or the chief financial officer of the operating region of which the hospital is a part.

The bill creates a state-mandated local program by providing that when a person knowingly, with intent to defraud, causes any material false information to be included in a hospital cost report, the person shall be guilty of an offense punishable by imprisonment in the state prison, or by a fine not exceeding \$10,000, or by a fine and imprisonment, or by imprisonment in the county jail not exceeding one year, or by a fine not exceeding \$5,000 or by both a fine and imprisonment.

The bill creates a state-mandated local program by providing that any person who certifies as true and correct any hospital cost report that fails to disclose in writing on the cost report any significant beneficial interest, as defined, which the owners of the provider, or members of the provider governing board, or employees of the provider, have in the contractors or vendors to the providers, shall be guilty of a public offense.

The bill would provide that any person who commits this felony shall be punishable by either or both imprisonment in state prison or in the county jail for a period not to exceed one year, or a fine not to exceed \$5,000.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1466 (AB 2928) Robinson Medi-Cal.

Existing law provides that health care providers be reimbursed for providing Medi-Cal services to public assistance recipients and other categories of low-income persons.

Under existing law, the State Department of Health Services is permitted to enter into contracts with counties under which the county would be responsible for arranging to provide Medi-Cal services to all recipients in the county.

This bill would grant the authority for San Bernardino County to establish a commission, pursuant to an ordinance adopted by the county board of supervisors, which would contract with the department to arrange for provision of all Medi-Cal services in the county.

Existing law provides that providers of prosthetics and orthotics shall receive a 5 5% increase in the Medi-Cal reimbursement rate for the 1984-85 fiscal year, over the levels in effect during the previous fiscal year.

This bill would instead provide that, commencing on the effective date of this act, these providers would receive an 8% increase in the Medi-Cal reimbursement rate for the 1984-85 fiscal year

This bill would take effect immediately as an urgency statute.

Ch. 1467 (AB 2436) Statham. Income taxation: armed forces.

The existing Personal Income Tax Law incorporates provisions of the Internal Revenue Code of 1954 which exempt from taxation a member of the United States Armed Forces who dies while in active service, if the death occurred while serving in a combat zone, as defined. Public Law 98-259, enacted on April 10, 1984, exempts from taxation a military or civilian employee of the United States who dies as the result of wounds or injury incurred outside the United States in a terroristic or military action. The exemption would apply to the taxable year of the taxpayer's death and any prior taxable year

in the period beginning with the last taxable year ending before the taxable year in which the wounds or injury of the taxpayer were incurred with respect to any taxpayer dying after December 31, 1979, as a result of wounds or injury incurred after that date.

This bill would incorporate the above federal exemption, but would restrict its application to the computation of taxes for taxable years beginning on or after January 1, 1984.

Existing Sales and Use Tax Law provides that a vending machine operator which is a nonprofit, charitable, or education organization is a consumer and not a retailer of tangible personal property which sells at retail for \$0.15 or less and which is actually sold through a vending machine.

This bill would, in addition, provide that a library district, municipal library, or county library and any vendor making sales pursuant to a contract with any of those entities is a consumer of, and not a retailer of, photocopies which it sells through a coin-operated copy machine located at a library facility.

Counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes. Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes.

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would also provide that no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

The bill would take effect immediately as a tax levy, but the operative date of certain provisions would depend on the bill's effective date.

Ch. 1468 (AB 2227) Felando. Sales and use tax: exemptions

Existing Sales and Use Tax Law provides that a vending machine operator which is a nonprofit, charitable, or education organization is a consumer and not a retailer of tangible personal property which sells at retail for \$0.15 or less and which is actually sold through a vending machine located at a library facility.

This bill would, in addition, provide that a library district, municipal library, or county library and any vendor making sales pursuant to a contract with any of those entities is a consumer of, and not a retailer of, photocopies which it sells through a coin-operated copy machine.

Existing provisions of the Sales and Use Tax Law exempt from sales and use taxes from January 1, 1985, until January 1, 1987, the sale or use of diesel fuel used in operating watercraft in commercial deep sea fishing operations or commercial passenger fishing boat operations by persons who are regularly engaged in these operations outside the territorial waters of this state.

This bill would move up the operative date of this exemption from January 1, 1985, to October 1, 1984.

Counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes. Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes.

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would also provide that no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

This bill would take effect immediately as a tax levy, but the operative date of certain provisions would depend on the effective date of the bill.

Ch. 1469 (AB 1813) Condit. Homicide trials

Under existing law, counties may receive reimbursements in excess of a specified amount for costs of homicide trials.

This bill would authorize additional reimbursement, as specified, with the amount depending upon whether or not the county has a specified population.

This bill would direct the Office of Planning and Research to undertake a study, in cooperation with, among others, the Legislative Analyst and the defense bar, concerning this provision for reimbursement, and to report to the Governor and the Legislature no later than July 1, 1987.

This bill would be repealed on January 1, 1989, unless a later statute, enacted before that date, deletes or extends that date

Ch. 1470 (SB 1374) Johnson. Recreation land acquisition.

Under existing law, the Department of Water Resources is authorized to construct a recreation project in the vicinity of the City of Oroville along the Feather River.

This bill would appropriate \$295,000 from the General Fund for payment of costs of land acquisition for the project, in settlement of a judgment in eminent domain

The bill would also appropriate \$5,697,000 from tideland oil revenues to the Wildlife Conservation Board and the Department of Parks and Recreation for the acquisition, restoration, and maintenance of specified real property in the Lake Tahoe basin, as specified.

The bill would take effect immediately as an urgency statute.

Ch. 1471 (AB 139) Leonard. Economic and job development zones.

Existing law authorizes units of local government to propose the designation of areas within their respective jurisdictions as enterprise zones based upon specified findings that those areas are depressed areas and in need of private sector investment. Following the designation of an area by the Department of Economic Development as a targeted economic development area, the applicant is required to develop an environmental impact report setting forth potential environmental impacts of any and all development within the enterprise zone.

This bill would require the applicant, upon the filing of a preliminary application, to submit an initial study and notice of preparation to the department, the state clearing-house, and other responsible agencies, however, only the city, county, or city and county chosen by the department as a final applicant would prepare, or cause to be prepared, a draft environmental impact report, as specified.

Existing law specifies a 150-day time period after the effective date of Chapters 44 and 45 of the Statutes of 1984 (March 20, 1984) within which the department is required to develop the necessary regulations, selection criteria, and applications for zone designations

This bill would change the time period from 150 days to 250 days. In addition, the department would be required to adopt emergency regulations concerning the designation procedures and application process, as specified.

This bill would appropriate \$50,000 from the General Fund to the Department of Commerce for use in carrying out the provisions of Chapters 44 and 45 of the Statutes of 1984, with any unused funds, as of July 1, 1985, reverting back to the General Fund

This bill would take effect immediately as an urgency statute.

Ch. 1472 (AB 3055) Margolin. Medi-Cal providers.

Under existing law prior authorization for the provision of Medi-Cal services may be required by the State Director of Health Services for items prescribed or ordered by a practitioner who has been determined by the director to have been prescribing or ordering medically unnecessary or excessive services or items for Medi-Cal beneficiaries.

Existing law provides that after written notification of the imposition of this requirement is given to providers who are requested to furnish items or services by the prescribing practitioner, no reimbursement for the services or items shall be provided when prior authorization is not obtained

This bill would, in addition, require the department to give written notice of the imposition of this requirement to the practitioner.

This bill would also provide that when prior authorization is not obtained by a prescribing practitioner after notification of the imposition of this requirement, Medi-Cal reimbursement shall be provided to those providers furnishing items or services prescribed or ordered by the practitioner upon whom the prior authorization requirement has been imposed, but that the state may hold the prescribing practitioner financially responsible.

Ch. 1473 (AB 3005) Tucker. Health facilities.

(1) Under existing law, provision is made for the licensing and supervision of various types of health facilities.

This bill would require the State Department of Health Services to establish a demonstration project to provide for the licensing and supervision of one facility in Sacramento County to be designated an "intermediate care facility for chronically or terminally ill children." The bill would define the duties and responsibilities of the new facility and define standards for its fire safety and other matters, including enforcement by local authorities, which is a state-mandated local program. This bill would permit the State Director of Health Services to terminate the project, as specified. It would require an evaluation of the project at least annually. It would also declare the Legislature's intent that the project be provided maximum flexibility in regard to existing laws and regulations. It would define the term "children" for purposes of its provisions.

(2) This bill would appropriate \$250,000 from the General Fund to the State Department of Health Services for expenditure, without regard to fiscal years, for purposes of the bill.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1474 (AB 3920) Wright Juveniles. mental health

Existing law does not provide for a comprehensive system for the delivery of mental health services to children and youth, including families or foster families.

The bill would require the State Department of Mental Health to contract with the County of Ventura for the purpose of establishing a 2-year demonstration project for developing and implementing a model children's comprehensive mental health service system, as specified. The bill would appropriate \$200,000 to the department for purposes of this project. These provisions would be repealed on June 30, 1987.

Ch 1475 (SB 1868) Royce Unemployment: employer returns and reports.

Existing law requires employers to deduct a specified tax from each employee's wages, to furnish to each employee a written statement containing specified information, and to file a duplicate of this statement with the Employment Development Department when required to do so by authorized regulations.

Existing law requires that every employer make an annual report to the department summarizing compensation paid and taxes withheld for each employee during the calendar year.

This bill would require, instead, that every employer file an annual return with the department reporting the total of the yearly tax withheld pursuant to a specified statutory provision, at the time prescribed by the Director of Employment Development.

This bill would also require that a duplicate of the statement furnished to each employee be included in the return.

Existing law requires an employer who fails to file the annual report of compensation paid and taxes withheld after notice of the failure, as specified, to pay a fine of \$25 for each month of delinquency, not to exceed \$500, unless the failure was due to reasonable cause.

This bill would revise these provisions by making the fine \$250.

This bill would be repealed on January 1, 1988.

Ch. 1476 (AB 2503) Kelley Economic poisons.

(1) Under existing law, the Director of Food and Agriculture is authorized to adopt regulations that govern the use of any pesticide if he or she finds that the regulations are necessary to carry out provisions regarding pest control operations.

This bill would additionally authorize the director to adopt regulations that govern the possession or sale of these pesticides as well as their use.

(2) Existing law prohibits any person from transporting, destroying, or disposing of any quarantined economic poison unless the person has secured a permit from the director.

This bill would delete the reference to securing a permit in order to transport, destroy,

or dispose of a quarantined economic poison and would instead require the person to receive written permission from the director to perform these acts.

(3) Existing law authorizes the director to adopt regulations which govern the conduct of the business of pest control.

This bill would require the director to develop, in consultation with the University of California and through contracts with organizations that have demonstrated expertise in the field of pesticide application training, a curriculum, as specified, designed for the implementation of a training program to raise the level of knowledge and skill of aerial and other pesticide applicators. The bill would appropriate \$175,000 from the General Fund to the Department of Food and Agriculture to develop this curriculum.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by creating a new crime.

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1477 (SB 2065) Royce. Prison operations.

Existing law provides for the establishment of prison farm operations and prison industry operations on state lands, as specified.

This bill would provide that the Department of General Services, in cooperation with the Department of Corrections and the Prison Industry Authority, shall conduct an inventory, to be completed by January 1, 1986, of state lands which may be used for prison farm operations or prison industry operations. The Department of Corrections and the Prison Industry Authority would be required to report to the Legislature by July 1, 1987, with respect to plans for expanding prison farm operations or prison industry operations on state land. These provisions would remain in effect until January 1, 1988, and as of that date would be repealed.

Ch 1478 (AB 3936) Vasconcellos. Prisoners. computers.

Under existing law, the Department of Corrections and the Department of the Youth Authority are authorized to correlate their individual programs for the adults and youths under the jurisdiction of each.

This bill would require the Department of Corrections and the California Youth Authority to conduct a 2-year pilot project in juvenile halls, the Youth Authority, and the state prison system, if and when the necessary computer hardware, software, and technical assistance is donated to the departments to implement innovative individualized education programs in these institutions, as prescribed. The bill would require the departments to report to the Legislature on their findings.

Ch 1479 (AB 2675) Jones. Crime and delinquency prevention

Existing law requires the Director of the Youth Authority to appoint an advisory commission on crime and delinquency prevention, not to exceed 8 members in number, to advise him or her on matters relating to crime and delinquency prevention, as specified.

This bill would instead require the establishment of an advisory commission to be known as the State Commission on Juvenile Justice, Crime and Delinquency Prevention, not to exceed 16 members, appointed as specified, to advise the Director of the Youth Authority on crime and delinquency prevention; the advisory commission would also engage in designated activities, including the inspection of Youth Authority facilities.

The bill also would require the the Director of the Youth Authority to appoint 4 regional citizens' advisory committees to assist in the inspection of Youth Authority facilities and to provide public comment to the director, as specified.

Ch. 1480 (AB 3443) Hayden. Department of Veterans Affairs: herbicide exposure assistance to civilians.

Under existing law, the Department of Veterans Affairs assists Vietnam veterans and their dependents in pursuing possible claims against the United States arising out of

exposure to herbicides, including Agent Orange, as defined, and provides an outreach program to inform those veterans of the possible detrimental effects of herbicide exposure in Vietnam. Under existing law, this program will terminate on June 30, 1985.

This bill would do all of the following:

(1) Direct the department to provide referral for administrative, medical, and compensation services of the United States Veterans' Administration.

(2) Direct the department to follow up its referrals of veterans to the VA for medical assistance and claims for compensation and maintain contact with veterans referred to the VA to establish a record of their degree of satisfaction with the VA's Agent Orange services in accordance with the findings and recommendations contained in a specified United States General Accounting Office report. It would direct the department to report on the record so compiled to the VA headquarters and the appropriate committees of the Legislature.

(3) Require the department to similarly assist American civilians who served in Vietnam in obtaining information regarding herbicide exposure, and to conduct an outreach program to contact these civilians and furnish them information on herbicide exposure. It would direct the department to prepare and submit to the Legislature on or before January 1, 1987, a report on the results of its activities in this regard.

(4) Require the Board of Medical Quality Assurance, in cooperation with the department, to provide a program for the dissemination of information through physicians on the Agent Orange and herbicide exposure health care and compensation services of the VA and assistance provided by the department.

(5) Extend the termination date of this program to June 30, 1987

(6) Appropriate \$50,000 to the department for purposes of the bill.

Ch. 1481 (AB 2663) Bates. State employment. disabled persons.

Existing law requires each state agency to develop and implement an affirmative action employment plan for disabled persons, and requires the State Personnel Board to outline specific actions to improve the representation of disabled persons in the state work force, to survey the number of disabled persons in each department, and to establish guidelines for state agencies and departments to set goals and timetables to improve the representation of the disabled in the state work force.

Existing law requires the board to report to the Governor and the Legislature on or before November 15 of each year on the current activity, future plans, and past accomplishments of the overall employment program for the disabled in state government.

This bill would state the intent of the Legislature that guidelines for equal and fair employment protections apply to all categories of disabled persons, as defined, and would require the board to conduct a review of the methods now used to insure equal employment opportunities for all categories of the disabled, and to explore alternative ways to identify and track nonobservable disabilities. In addition, the board would be required to first explore whether affirmative action goals and timetables, including exemption from layoff, ought to be extended to include all categories of disabled persons, and, if that question is answered in the affirmative, then the board would be required to study how to accomplish those results. The board would be required to submit a report to the Legislature outlining the board's findings and recommendations no later than June 30, 1985.

Ch. 1482 (SB 2080) Watson. Racial, ethnic, and religious crimes

Under existing law, the Attorney General has various powers and duties relative to criminal justice.

This bill would require the Attorney General, for one year, to develop a program model to collect, compile, and analyze information about racial, ethnic, and religious crimes and submit a report to the Legislature, as specified.

The bill would appropriate \$75,000 to the Department of Justice for that purpose.

Ch. 1483 (AB 2512) Moore. Appropriation: payment of claims

This bill would appropriate \$60,000 from the General Fund to the State Board of Control to settle the claim of the plaintiff in the action of Harriet E. Shields v. State of California.

This bill would take effect immediately as an urgency statute.

Ch. 1484 (AB 3439) Sher. Schools: toxic art supplies

(1) Existing law does not restrict the purchase of toxic art supplies in schools.

This bill would prohibit the purchase of specified toxic art supplies for use in kinder-

garten and grades 1 to 6, inclusive, and would impose a state-mandated local program by restricting the purchase of these materials for use in grades 7 to 12, inclusive, as specified.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(4) The bill would become operative June 1, 1986.

Ch 1485 (AB 507) M. Waters. University of California: contracts.

(1) Existing law specifies the competitive bidding requirements applicable to contracts made by the Regents of the University of California. Under existing law, the competitive bidding requirements apply to construction contracts involving a total cost in excess of \$15,000, contracts for the purchase of goods and materials in excess of \$5,000, and contracts for services in excess of \$5,000.

This bill would require that construction contracts, contracts for goods and materials, and contracts for services at the University of California be in excess of \$50,000 before they are subject to competitive bidding requirements.

Existing law does not require the regents to adopt policies and procedures to increase the number of contracts awarded to small business enterprises.

This bill would state the intent of the Legislature that the regents adopt policies and procedures to ensure that a fair proportion of university business contracts for construction, services, and purchase of goods and materials be placed with small business concerns, particularly small disadvantaged and women's business enterprises.

(2) This bill would appropriate \$77,100,000 to the Regents of the University of California to fund the 1984-85 fiscal year employer contribution to the University of California Retirement System for employees paid with state funds, and would specify the allocation of those funds.

(3) This bill would incorporate changes in specified sections of the Public Contract Code proposed by both this bill and AB 2556, but only if both this bill and AB 2556 are enacted and become effective on or before January 1, 1985, and this bill is enacted last.

(4) This act would take effect immediately as an urgency statute.

Ch 1486 (AB 469) Campbell Community care facilities. licensing public agencies

(1) Existing law prohibits any person, firm, partnership, association, or corporation within this state from operating a community care facility without first obtaining a license issued by the State Department of Social Services. Except for juvenile halls, counties are expressly made subject to these licensure requirements. However, other public entities are not subject to these licensure requirements.

This bill would expressly make all state and local public entities, as defined, that operate community care facilities subject to this licensure, with the existing exception for county juvenile halls. The bill would require the department to develop a separate licensure application form for public agencies. The bill would specifically exempt public recreation programs, as defined, operated by the state or local public agencies from the provisions of the California Community Care Facilities Act.

(2) This bill would also require the department to conduct a statewide study of preschool programs, as defined, and to make a report to the Legislature on the results of the study.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by requiring local agencies, in addition to counties, to obtain state licensure in order to operate a community care facility

This bill would provide that no appropriation is made by this act for a specified reason.

(4) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

This bill would incorporate changes in Section 1505 of the Health and Safety Code proposed by SB 1754, or SB 2274, or both, but only if SB 1754 or SB 2274, or both, are chaptered and become effective, and this bill is chaptered last.

Ch. 1487 (AB 2746) Goggin Day care facilities for children: child abuse

In licensing community care facilities, existing law requires the State Department of Social Services to give special consideration to day care facilities for children and requires representatives of the State Department of Social Services to periodically inspect and evaluate these facilities for quality of care

This bill would require that these inspections include inspecting for evidence of child abuse, and reporting of any known or suspected incident of child exploitation or abuse, which the inspector finds while within the scope of his or her employment, to a child protective agency, as specified

The bill would state the Legislature's intent that if this bill and SB 1754 are both chaptered, the provisions of both bills would take effect.

This bill would take effect immediately as an urgency statute

Ch 1488 (SB 1984) Mello Criminal law: insanity.

Existing law sets forth provisions relating to the disposition of persons who have been found not guilty by reason of insanity of a crime. Among other things, existing law provides that those persons may be committed or transferred to a state hospital for the care or treatment of the mentally disordered, or to a public or private treatment facility. Existing law provides that the court may order the defendant transferred from a state hospital to a public or private treatment facility, or may order the defendant transferred from a public or private treatment facility to a state hospital, upon receiving specified recommendations

This bill would require arrest reports and mental health reports to accompany a defendant to a state hospital or other treatment facility to which the defendant is ordered confined, and would require a court to select a state hospital in accordance with the policies of the State Department of Mental Health

Existing law provides with respect to a person found not guilty by reason of insanity, that unless it appears that the sanity of the defendant has been fully recovered, the court shall order the defendant confined in a facility or on outpatient status. Existing law provides that the person may apply for release upon the ground that sanity has been restored, but that no hearing may be allowed for 90 days after the order.

This bill would provide that no hearing may be allowed for 180 days after the order. The bill would also provide that the court shall hold a hearing to determine if the applicant would no longer be a danger to the health and safety of others, including himself or herself, if under supervision and treatment in the community, and that if the court finds that the applicant will not, the court shall order the applicant placed with an appropriate local mental health program, as specified, or placed on outpatient status under certain circumstances.

The bill would also revise various provisions relating to the placement on outpatient status of certain felony offenders.

Existing law provides that in the case of a person found not guilty by reason of insanity the court shall, at the time of commitment, state the maximum term of commitment which is based upon the maximum term of imprisonment which could have been imposed for the offense. Existing law provides that the court may order a person to be committed beyond that term if it finds that the person was committed for specified felonies and, by reason of mental disease, defect, or disorder, represents a substantial danger to others. That extended term is imposed after a petition by the prosecuting attorney within specified time limits before the expiration of the original commitment

This bill would provide that the court shall order the additional commitment if it finds that the person was committed for specified felonies and, by reason of mental disease, defect, or disorder, represents a substantial danger to others. It would provide for that

additional commitment in cases where the defendant was found not guilty by reason of insanity of any felony. It would permit a late petition and a late trial if good cause is shown.

Existing law provides as an alternative to outpatient status for persons committed after a criminal proceeding that, in some instances, the person may be placed on parole.

This bill would eliminate that provision and would state the intent of the Legislature as to the disposition of persons paroled under that provision

The bill would provide that certain of the above provisions are applicable to a minor found to be insane at the time the offense was committed.

The bill would also provide that its provisions shall be applicable to persons presently confined in state hospitals or public or private treatment facilities.

Specified provisions relating to the release of a person committed after having been found not guilty by reason of insanity would become operative on January 1, 1986, and would remain in effect until January 1, 1989, and provisions relating to parole as an alternative to outpatient status, would become operative January 1, 1986.

The bill would impose a state-mandated local program by imposing additional duties upon local mental health programs

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

This bill would incorporate additional amendments proposed by SB 1477, AB 2253, and AB 3296, to become operative, as specified.

Ch 1489 (SB 968) Richardson. Minors

Existing law prohibits as a felony certain conduct relative to distribution or exhibition for commercial consideration of obscene matter depicting persons under 18 engaged in specified conduct. The provisions do not apply to certain motion picture operators or projectionists and certain employees of persons licensed by a city or county

This bill would prohibit certain additional conduct, would redefine the sexual conduct to which the provision is applicable, would delete the existing exceptions, and would add exceptions for law enforcement and medical, scientific or educational activities and lawful conduct between spouses. The bill would apply the prohibition where the conduct is done without regard to obscenity or commercial consideration, where minors under age 17 are depicted, with specified punishment depending on whether the person to whom the matter is distributed or exhibited is an adult or a minor

Existing law prohibits certain conduct relative to the use of minors under 16 in posing or modeling involving sexual conduct for commercial purposes, and provides for increased punishment where the minor is under 14

This bill would change the age of the minors whose depiction is the subject of the provisions to persons under the age of 17, and apply the greater punishment in all of the cases. The bill would also prohibit, with a lesser punishment the same conduct in the absence of commercial purposes.

The bill would specify that all of the above provisions do not apply to conduct involving legally emancipated minors, including conduct between spouses

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would impose a state-mandated local program by creating new crimes.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1490 (AB 3230) Hannigan. Taxation: information: enforcement: tax amnesty.

(1) Existing law requires certain persons to furnish to the Franchise Tax Board information returns to aid in the administration of the tax laws.

This bill would, in addition, require specified public entities to furnish information, as specified, relating to business licenses and providers of goods, services, and property to the board. The requirement that local public entities furnish this information would impose state-mandated local costs.

(2) Existing California Sales and Use Tax Law and Personal Income Tax Law require taxpayers to pay their tax liabilities within specified periods or be subject to penalties and interest, as specified.

This bill would require the State Board of Equalization and the Franchise Tax Board to develop and administer tax amnesty programs to be conducted during the 3-month period of December 10, 1984, through March 15, 1985. These programs would provide for waiver of penalties and criminal sanctions to certain taxpayers who previously had not complied with reporting and payment requirements but who apply for amnesty by filing a proper return and making payment, as specified. The program administered by the State Board of Equalization would not apply to the nonpayment of any taxes previously assessed by the board.

(3) Existing Personal Income Tax Law and Bank and Corporation Tax Law provide specified penalties and criminal sanctions for persons or corporations who fail to provide certain information or provide false information, as specified.

This bill would provide the same penalties and sanctions for additional persons who aid, encourage, or counsel tax evasion by specified acts.

This bill would also increase or change various existing penalties and would prescribe certain new penalties in connection with the enforcement of state taxes.

This bill would provide state taxing agencies with various additional powers and duties relating to the collection of state taxes and the enforcement of those taxes, including, among other things, authority to (1) contract for debt collection services; (2) establish a reward program; (3) obtain information from a promoter of tax shelters, as defined, and a broker, as defined; (4) require specified individuals and legal entities to withhold the amount of any tax, interest, or penalty due from a taxpayer; and (5) obtain information from owners and transferors of an interest in real property or a mobilehome.

(4) Under existing law, various business and professions licensing boards may temporarily suspend or permanently revoke any license if the holder, while a licensee or applicant, is guilty of, among other things, failure to keep required records.

This bill would additionally provide that the failure to record or preserve any and all cash transactions involved in the payment of employee wages by a licensee may be made grounds for disciplinary action.

(5) Under existing law, every employer is required to furnish semimonthly or at the time of each payment of wages to each employee an itemized statement in writing showing all deductions and other specified information.

This bill would provide that any employer who knowingly and intentionally violates those provisions, or any officer, agent, employee, fiduciary, or other person who has the control, receipt, custody, or disposal of, or pays, the wages due any employee, and who knowingly and intentionally participates or aids in the violation of any of those provisions is guilty of a misdemeanor and subject to specified penalties.

(6) This bill would appropriate \$2,885,000† from the General Fund to the Franchise

† I am reducing or deleting the following appropriations contained in Assembly Bill No. 3230:

1 I reduce the 1984-85 appropriation of \$1,341,000 for Franchise Tax Board audit personnel and operating expenses and equipment to \$58,000 to reflect only personnel and costs associated with specific provisions of the bill

2 I reduce the 1984-85 appropriation of \$362,500 for the Franchise Tax Board to carry out new collections activities to \$314,000 to reflect a phase-in of staffing for these activities

3 I reduce the 1984-85 appropriation for the Board of Equalization's field enforcement personnel and operating expenses and equipment for increased registration and collection efforts from \$464,385 to \$268,000. Since the amnesty period has been amended to begin later in the year, the 1984-85 post amnesty enforcement period is reduced from four months to two months. Therefore the appropriation should be reduced accordingly

4 I eliminate the 1984-85 \$282,852 appropriation for the Board of Equalization's audit personnel and operating expenses and equipment for investigation of the misuse of resale and exemption certificates. This function should be performed within existing staff resources by prioritizing existing audit workload

5 I eliminate the 1985-86 appropriation of \$3,697,000 to the Franchise Tax Board and \$2,366,285 to the Board of Equalization so that these may be considered as part of the regular 1985-86 budget process

With these reductions and deletions, I approve Assembly Bill No. 3230

Tax Board and the State Board of Equalization for the 1984-85 fiscal year to be allocated, as specified, to administer the tax amnesty penalty program. It also would appropriate \$8,971,022 from the General Fund to the Franchise Tax Board and the State Board of Equalization for enumerated purposes in the 1984-85 and 1985-86 fiscal year.

(7) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(8) This bill would make additional changes in Section 18681.1, Revenue and Taxation Code, proposed by AB 2317 to be operative only if AB 2317 and this bill are both chaptered, and this bill is chaptered after AB 2317.

(9) This bill would take effect immediately as an urgency statute.

Ch. 1491 (AB 1078) Cortese. Crimes.

Existing law provides for local criminal justice planning, for the application of technology to criminal justice, and for the punishment of specific theft-related and technology-related crimes.

This bill would provide, as specified, for a pilot project in Santa Clara County relative to the prevention of high-technology theft. The project would be administered by the Office of Criminal Justice Planning.

Article XIII B of the California Constitution and Section 2231 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. The statutory provision also specifies the manner for paying this reimbursement and requires any statute mandating these costs to contain an appropriation to pay for the costs in the initial fiscal year.

This bill would impose certain duties on local officials, thereby creating a state-mandated local program.

The bill would appropriate \$238,216 from the General Fund to the Office of Criminal Justice Planning, as specified.

The bill would take effect immediately as an urgency statute.

The bill would be operative until March 1, 1987, and would be repealed January 1, 1988.

Ch. 1492 (AB 3065) Leonard. Alcohol and traffic safety.

(1) Under existing law, the State Department of Education is required to establish an information center of current drug information of specified content.

This bill would add to the information that the information center has a requirement for alcohol and traffic safety information.

(2) Under existing law, the Governor's Interdepartmental Advisory Council on Alcohol, Drugs, and Traffic Safety is required to evaluate first offender programs.

This bill would rename that council to be the Governor's Intergovernmental Advisory Council on Alcohol, Drugs, and Traffic Safety, require the Governor to appoint representatives of local community interest to it, and delete obsolete report requirements. The bill would also require the council to provide specified information to the State Department of Alcohol and Drug Programs.

(3) Under federal law, incentive grants are available to states that implement effective programs to reduce drunk driving under specified conditions.

This bill would require the State Department of Alcohol and Drug Programs, in cooperation with the State Department of Mental Health, to conduct prescribed demonstration programs for changing the behavior of chronic alcohol-dependent drivers. The programs would be located at Patton State Hospital and would be subject to the availability of federal funding, as specified.

(4) This bill would amend Section 1660.6 of the Vehicle Code to make the changes

in that section proposed by both this bill and AB 3598, if both bills are enacted and this bill is enacted last.

Ch. 1493 (AB 3984) Connelly. Insurance: underinsured motorist coverage.

Under existing provisions of law relating to underinsured motorist coverage, the term "underinsured motor vehicle" does not include underinsured motor vehicles.

This bill would expand the definition of underinsured motor vehicle to include underinsured motor vehicles, as defined, to be applicable only when bodily injury is caused by an underinsured motor vehicle, as specified. It would also require underinsured motorist coverage to be offered with limits at least equal to the limits of liability for the insured's uninsured motorist limits.

This bill would also incorporate additional changes to Section 11580.2 of the Insurance Code, proposed by SB 1879, to be effective if both bills are chaptered, and this bill is chaptered last.

Ch. 1494 (SB 2082) Lockyer. Contractors: dump truck carriers.

Existing law generally makes it a cause for disciplinary action for a prime building contractor to fail to pay a specialty contractor, within 10 days of receipt of each progress payment, as specified, for his or her work on a private or public work of improvement.

This bill would, in addition, make it a cause for disciplinary action, as specified, but not grounds for a civil action, as specified, for any licensed contractor to fail to pay all transportation charges relating to a private or public work of improvement submitted by a dump truck carrier, duly licensed and subject to regulation by the Public Utilities Commission, by the 20th day following the last day of the calendar month in which the transportation was performed. The bill would provide that payment shall be made in this described manner unless otherwise agreed to in writing by the parties, this other method of payment being subject to the approval of the Public Utilities Commission. This deadline for the payment of transportation charges would only apply if the charges are submitted by the 5th day following the last day of the calendar month in which the transportation was performed.

Ch. 1495 (SB 1795) Seymour. Sexual battery.

Existing law provides that when any person touches an intimate part, as defined, of another person while that person is unlawfully restrained by the accused or an accomplice, against the will of the person touched and for the purpose of sexual arousal, gratification, or abuse, the act is a criminal offense of sexual battery.

This bill would also provide that sexual battery is committed when any person touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, as specified.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would revise the elements of a crime to make more acts criminal.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1496 (AB 2219) Baker. Rossmoor Special Community Services District.

(1) Existing law makes provision for the creation of community services districts within the unincorporated territory of one or more counties and authorizes those districts to provide various services.

This bill would enact the Rossmoor Special Community Services District Law which would authorize the creation of the Rossmoor Special Community Services District within incorporated territory which contains 5,000 or more residential units within the City of Walnut Creek. The bill would specify the procedure for formation of the district and the election of the board of directors of the district, would provide for the organization of the district, and would specify the purposes and powers for which the district may be formed. The bill would permit the formation of improvement districts and the establishment of zones within the district for certain specified purposes. The bill would

authorize the district to levy special taxes, assessments, and fees or charges, as specified. This bill would also exempt all expenditures of the district from certain provisions of the Labor Code, relating to public work and wages.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1497 (AB 3275) Wright. Examinations managerial positions.

Existing law requires that examinations for the establishment of eligible lists for managerial positions in the state civil service shall be held on an open basis, except for career executive assignments and peace officers, as defined.

This bill would include within this exception certain managerial positions of the Department of Forestry, as specified.

Ch. 1498 (AB 4033) Costa. Cement carriers and cement contract carriers. rates.

Under existing law, cement carriers are subject to the jurisdiction of the Public Utilities Commission and are regulated as common carriers under the Public Utilities Act. Generally, a common carrier, without approval of the commission, may not charge less than a maximum reasonable rate for transportation service for the purpose of meeting the competitive charges of other carriers or the cost of other means of transportation. Any provision in a cement carrier's tariff in effect as of January 1, 1978, is *prima facie* just and reasonable.

Under existing law, the operations of cement contract carriers are regulated by the commission under the Highway Carriers' Act.

This bill would delete the provision that any provision in a cement carrier's tariff as of January 1, 1978, is *prima facie* just and reasonable and would require instead, whenever a cement carrier proposes to establish a rate less than the maximum reasonable rate, the carrier to make a showing to the commission that the rate is fully compensatory and will not reduce the ability of the carrier or other carriers to serve the public, as specified, and would authorize the commission to approve that rate for not longer than one year, subject to renewal based on a showing of operating results and cost data. The bill would, in lieu of this annual showing, permit the commission to establish an index directly related to the cost of cement transportation, as described, to serve as the basis for adjustment and renewal of cement carrier rates. The bill would permit a cement carrier to file for rate increases on 45 days' notice which shall be approved by the commission if no protest is filed. If a protest is filed or if the commission determines to investigate the proposed rate, the burden of proof that the increase is justified would be on the carrier. The bill would allow other cement carriers to adopt a rate thus approved.

The bill would specifically prohibit the transportation for compensation of cement, as stated, without a cement carrier certificate or a cement contract carrier permit in force.

The bill would define a "zone of reasonableness" for cement contract carrier rates and would permit a carrier to file on 5 days' notice any rate within that zone. If a carrier proposes to perform any transportation service at a rate outside the zone of reasonableness, the bill would require 45 days' notice of filing and the carrier to show, in the case of a lower proposed rate, that the proposed rate is compensatory based upon the cost of transportation from origin to destination and return, and, in the case of a higher proposed rate, that it is reasonable and justified by transportation conditions, subject to any conditions the commission may impose in the public interest.

The bill would take effect immediately as an urgency statute.

Ch. 1499 (SB 1466) Robbins. Northwestern Los Angeles Resource Conservation District abolishment.

(1) Under existing law, there is the Northwestern Resource Conservation District in the County of Los Angeles.

This bill would abolish the district on January 1, 1985. The bill would require the Board

of Supervisors of Los Angeles County to wind up the affairs of the district, thereby imposing a state-mandated local program, and would specify that the county is liable for obligations incurred by the district before January 1, 1985, only to the extent of the assets of the district on that date, and those obligations incurred after that date which are approved by the county auditor/controller. The bill would require any remaining assets of the district to be distributed by the board of supervisors to the Topanga-Los Virgnes Resource Conservation District, the Antelope Valley Resource Conservation District, or the county to be used for conservation purposes.

The bill would also authorize the board of supervisors to allocate the lands comprising the Northwestern Los Angeles Resources Conservation District to become a part of those districts and would require the board of supervisors to transfer any of those lands requested by either of those districts to that district, as specified.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1500 (AB 3554) Sher. Coastal resources.

The California Coastal Act of 1976 provides for the planning and regulation of development within the coastal zone, as defined, based on various coastal resources planning and management policies set forth in the act. The act prohibits any new coastal development permit or amendment to an existing permit for a sewer project to be denied, restricted, or conditioned in order to implement housing policies or programs.

This bill would limit those prohibitions to the California Coastal Commission. The bill would also specify that provisions of the act dealing with providing housing opportunities for persons and families of low or moderate income do not authorize or require the modification of a specified permit issued by the commission with respect to sewer capacity for affordable housing in the San Mateo County local coastal program.

Ch. 1501 (SB 1991) Hart. California Bicentennial Commission on the United States Constitution

Existing law does not provide for a California Bicentennial Commission on the United States Constitution.

This bill would create that commission, and it would prescribe its members, duties, and responsibilities.

It would provide that this act shall be operative only until July 1, 1992, and as of that date is repealed.

It would appropriate \$50,000 to the commission for purposes of the act provided that the funds are expended on the basis of \$1 for each \$1 of private funds received.

Ch. 1502 (AB 2874) Papan Public retirement system bills—specified analyses PERS and STRS

Existing statutes require the Teachers' Retirement Board and the Board of Administration of the Public Employees' Retirement System to administer and control, respectively, the State Teachers' Retirement System and the Public Employees' Retirement System and confer upon those boards related powers and duties.

This bill would: require each board to provide the Legislature with a specified analysis of the asset and liability implications of each bill affecting the investment strategy, the funding, or the benefit structure of each respective system; specify that the fiscal committees of the Legislature are prohibited from hearing any such bill until they receive the analysis.

This bill would also continuously appropriate, without regard to fiscal years, from the Teachers' Retirement Fund and the Public Employees' Retirement Fund, respectively, an amount sufficient to pay the respective costs arising from this bill, but not to exceed \$50,000 in any one fiscal year.

Ch. 1503 (AB 2870) Papan. Public retirement systems.

The State Teachers' Retirement Law, the Public Employees' Retirement Law, and other statutes require the Teachers' Retirement Board and the Board of Administration of the Public Employees' Retirement System, respectively, to make various reports relating to their work during the prior fiscal year, including benefits, programs, practices, procedures, and trends and developments in the field of retirement law, as specified; securities held, stock exchange commission fees paid, investment transactions, and related matters; specified annual financial statements audited by a certified public accountant or a public accountant; attest audits of annual financial statements; annual financial statements reflecting periodic actuarial investigations and evaluations of the assets and liabilities of the systems; and other specified matters.

(1) This bill would also require those systems to submit annual reports to the Legislature including: a copy of the required audit; a specified review by a consultant, a specified description and summary of investments; specified information regarding rate of return by asset type; a specified transaction summary reviewing specified matters; a report on the use of outside investment advisers and managers and participation in corporate annual meetings and shareholder voting; a statement of actuarial gains and losses, including the components of the employer contribution rate and the sensitivity of the statement information to specified matters, a discussion of the portfolio containing specified information, a specified asset performance review; a specified review of the systems' custodial relationships and daily cash management and a specified summary of investment transactions, and a specified review of the role of any outside managers and advisers, stockholder voting, and changes in investment staff or reorganizations

(2) This bill would also require those systems to submit to the Legislature quarterly reviews of each system's assets, including a discussion of the portfolio containing specified information and specified information on the rate of return by type of asset

(3) This bill would also authorize the purchase of insurance by a public retirement system for its fiduciaries or for itself to cover liability or losses occurring by reason of the act or omission of a fiduciary, if the insurance permits recourse by the insurer against the fiduciary in case of a breach of a fiduciary obligation by the fiduciary; by a fiduciary to cover liability under this provision from and for his or her own account, and by an employer or an employee organization to cover potential liability of one or more persons who serve in a fiduciary capacity with regard to an employee benefit plan

(4) This bill would also continuously appropriate from, respectively, the Teachers' Retirement Fund and the Public Employees' Retirement Fund the amount necessary to pay for any insurance obtained pursuant to item (3) above

Ch 1504 (AB 3510) McAlister State Teachers' Retirement System. fidelity bonds and insurance.

The existing State Teachers' Retirement Law confers exclusive control of the administration and the investments upon the Teachers' Retirement Board, prescribes related powers and duties, and provides for the employment of various employees and investment advisers

This bill would (1) require all members of the board and its officers and employees to execute a fidelity bond, as specified, in an amount determined by the board to be prudent; and (2) require all members of the board and its officers and all staff of the investment division who are authorized to invest funds, to be covered with fiduciary liability insurance in an amount determined by the board to be prudent.

This bill would take effect immediately as an urgency statute

Ch. 1505 (SB 1758) Torres Postsecondary education standardized tests.

Existing law requires any entity which sponsors a standardized test to report certain data, including financial disclosures, to the California Postsecondary Education Commission, and to provide specified information to test subjects prior to the administration of a test.

This bill would repeal and recast existing law and would expand the type of information which a test agency or test sponsor, as defined, must submit to the commission. The bill would also expand the information which must be provided to test subjects and would require each test agency to prepare clear, easily understandable written descriptions of each standardized test it administers, as specified.

The bill would also require a test agency to review and decide cases of suspected test score inauthenticity or irregularity according to a specified procedure, based upon the

substantial evidence standard.

This bill would also prohibit the release or disclosure of any test score identifiable with an individual test subject, as defined, except as specified.

Ch. 1506 (SB 2064) Stiern Community colleges: reassessment study.

Existing law does not provide for a community college reassessment study

This bill would provide that a Community College Reassessment Study be undertaken, and that the study be directed by the Commission for the Review of the Master Plan established pursuant to SB 1570 of the 1983-84 Regular Session. Pursuant to the study, a report would be prepared, as specified, and submitted to the Joint Committee for the Review of the Master Plan established pursuant to ACR 162 of the 1983-84 Regular Session for its review on or before December 31, 1985. Following the legislative review, the bill would require the commission to make other specified assessments and policy recommendations.

This bill would require the commission to complete the study by December 31, 1986. This bill would not take effect unless ACR 162 and SB 1570 are both chaptered

This bill would take effect immediately as an urgency statute.

Ch. 1507 (SB 1570) Nielsen. Postsecondary education. Master Plan for Higher Education: review.

(1) Under existing law, there are no provisions requiring the review of the Master Plan for Higher Education.

This bill would establish the Commission for the Review of the Master Plan for Higher Education to be comprised of 16 members to be appointed in a prescribed manner. This bill would specify that the duties of the Commission for the Review of the Master Plan for Higher Education shall include, but need not be limited to, the review of reports submitted by the California Postsecondary Education Commission, the University of California, the California State University, the Board of Governors of the California Community Colleges, the Department of Finance, the Legislative Analyst, or any other relevant reports, the conducting of public hearings, and the formulation and submission of recommendations regarding policies and the content of the master plan.

This bill would prohibit any person employed or retained by any public or private postsecondary educational institution from serving on the commission, and would authorize representatives to the commission to be reimbursed for actual and necessary travel expenses.

This bill would require the commission to select and designate a state administrative agency to carry out the personnel, contractual, and all other fiscal services required by the commission.

This bill would state the legislative intent that any agency receiving public funds for postsecondary education shall, upon request by the commission, provide all necessary information or assistance required by the commission

This bill would require the Commission for the Review of the Master Plan for Higher Education to submit a report to the Legislature and the Governor not later than January 1, 1987, relative to its findings and recommendations regarding the master plan and the functions and interrelationships of public postsecondary education institutions

This bill would make these provisions inoperative on June 30, 1987, and would repeal them as of January 1, 1988

(2) This bill would appropriate \$500,000 from the General Fund to the Controller for allocation to the Commission for the Review of the Master Plan for Higher Education for all expenses deemed necessary by the commission without regard to fiscal years.

(3) This bill would specify that, upon completion of the study authorized by this bill, all of the documents and working papers of the commission shall become the property of the State Archives.

(4) This bill would specify that these provisions shall not become operative unless ACR 162 and SB 2064 of the 1983-84 Regular Session are both chaptered.

(5) This bill would take effect immediately as an urgency statute

Ch. 1508 (AB 3473) Sher Forest practices: timber harvesting plan

Under the Z'berg-Nejedly Forest Practice Act of 1973, persons are prohibited from conducting timber operations, as defined, unless a timber harvesting plan, including

specified information prepared by a registered professional forester, has been submitted for those operations to the Department of Forestry

This bill would require the State Board of Forestry, on or before May 1, 1985, to adopt regulations regarding notice of intent to harvest timber, as specified.

Ch. 1509 (AB 1515) Bronzan. Health

Under existing law, the University of California is administered by the Regents of the University of California.

This bill would state the intent of the Legislature to review, during the annual budget process, the current University of California health sciences program, focusing on the supply of primary care and nonprimary care physicians

This bill would also state the intent of the Legislature to monitor the University of California's plan for programs in health professions education.

Existing law authorizes the California Medical Assistance Commission to negotiate contracts, which are binding upon the State Department of Health Services, with various types of health care plans in order to provide Medi-Cal services on a capitated rate basis.

This bill would provide that all marketing activities by contractors under these provisions shall be subject to approval of the State Department of Health Services

The bill would also provide that each contract shall be required to contain a grievance procedure under which beneficiaries would be able to submit their grievances.

The bill would prohibit any contract from being entered into with any health plan which employs, contracts, or subcontracts with any provider under suspension from the Medi-Cal program or the federal Medicare program.

The bill also requires the commission to consult with specified entities, and allows it to consult with other entities, concerning the qualifications of prospective contractors

The bill also requires the State Department of Health Services, or its agents, to conduct periodic audits or reviews, including onsite audits or reviews, of the contractors

Ch 1510 (AB 3645) Leonard. Transportation. railroad rolling stock. leaseback.

(1) Existing law does not authorize the state to engage in the purchase and leaseback of rail passenger cars and locomotives and the issuance of equipment obligations therefor.

This bill would authorize the Department of Transportation and the Treasurer, pursuant to a resolution of the California Transportation Commission, to engage in this purchase and leaseback arrangement in order to utilize specified provisions of federal tax law by the issuance of equipment obligations which are exempt from state taxation, except for gift taxes. The bill would exempt passenger transportation vehicles in these purchase and leaseback arrangements from the Sales and Use Tax Law. The Passenger Equipment Acquisition Fund would be created in the State Treasury, and the money in the fund would be continuously appropriated to the department to redeem the obligations and for other related service and administrative costs, thereby making an appropriation.

(2) Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions

This bill would provide that no appropriation is made, and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill

(3) The bill would appropriate the amount necessary from the Transportation Planning and Development Account in the State Transportation Fund to the department to carry out the provisions of the bill and would require the account to be reimbursed from the Passenger Equipment Acquisition Fund.

(4) The bill would take effect immediately as an urgency statute

Ch. 1511 (AB 2504) Klehs Sales and use taxes mass commuting vehicles.

Existing Sales and Use Tax Law imposes a state sales or use tax on the sale or use of tangible personal property in the state, unless the sale or use is exempted from that tax.

Counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes. Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes.

This bill would provide that "sale" and "purchase," for purposes of the state and local

sales and use taxes, do not include the transfer of a qualified mass commuting vehicle, as defined by federal income tax law, pursuant to a safe harbor lease, as described by federal income tax law, or a sale-leaseback or lease-leaseback arrangement which includes a safe harbor lease.

This bill would provide that the above exemption shall apply to the transfer of a qualified mass commuting vehicle only under the following circumstances: (1) if the board of supervisors of the county in which the transfer occurs adopts a resolution waiving the county's claim for state reimbursement of sales and use tax revenues lost as the result of the exemption; and (2) if the board of directors of the operator of a qualified mass commuting vehicle adopts a resolution waiving all past and future claims for state reimbursement associated with specified decisions of the Public Utilities Commission.

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities, for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would provide that no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill

This bill would take effect immediately as a tax levy.

Ch. 1512 (SB 1772) Dills. Taxation. pollution control credit.

Existing provisions of the Bank and Corporation Tax Law authorize specified taxpayers to apply a credit of an amount equal to 20% of the costs of certain pollution control equipment to these taxes, limit the amount of costs to which the credit may be applied to \$80,000 and require the taxpayer to apply the credit over 4 succeeding taxable or income years.

This bill would add a comparable tax credit to the Personal Income Tax Law.

This bill would take effect immediately as a tax levy.

Ch. 1513 (SB 1825) Rosenthal. Dental care plans: annuitants: appropriation.

Existing law permits specified state employee annuitants who retired from service with the state, and members of the Legislators' Retirement System, to enroll in dental care plans negotiated by the state. It makes this provision operative on July 1, 1984, only if the Legislature appropriates funding to meet the costs thereof, as determined by the Board of Administration of the Public Employees' Retirement System, the Department of Personnel Administration, and the California State University.

This bill would appropriate \$500,000 for allocation by the Controller to the board, the department, and the California State University to meet the costs of the dental plan coverage authorized by the above provisions

This bill would also appropriate \$210,000 to the Regents of the University of California to meet the cost of dental plan coverage of annuitants who have retired from university service, as specified

This bill would take effect immediately as an urgency statute.

Ch. 1514 (AB 2583) Goggun. Environmental quality: responsible agencies

(1) Under the California Environmental Quality Act, lead public agencies, state and local, are generally required to prepare or cause to be prepared by contract, and certify the completion of, an environmental impact report on any discretionary project, as defined, that they propose to carry out or approve which may result in a substantial, or potentially substantial, adverse effect on the environment or, if they determine that a proposed project will not have that effect, to adopt a negative declaration.

This bill would make a legislative declaration that it is the policy of the state that projects to be carried out by public agencies be subject to the same level of review and consideration as that of private projects required to be approved by public agencies.

(2) The bill would also make a legislative declaration that it is the policy of the state that noncompliance with the requirements of the act may constitute a prejudicial abuse of discretion, regardless of whether a different outcome would have resulted in the absence of that noncompliance. The bill would make a further legislative declaration that courts shall continue to follow the established principle that there is no presumption that error is prejudicial.

(3) The bill would provide that, where an environmental impact report has been

prepared for a program, plan, policy, or ordinance, and where a later project is found by the lead agency to be (a) consistent with that program, plan, policy, or ordinance, (b) consistent with the local land use plan and zoning of the city or county in which the later project would be located, and (c) not subject to designated provisions requiring a subsequent or supplemental environmental impact report under specified conditions, the lead agency for the later project may examine significant effects of the later project by using a tiered environmental impact report, as specified. The bill would require, where a tiered environmental impact report is prepared, an initial study to be prepared on the later project and would require that study to analyze whether the project may cause significant effects on the environment which were not examined in the prior environmental impact report

(4) The bill would require that the determination of a lead agency of whether a project may have a significant effect on the environment be based on substantial evidence in the record, and would specify that public controversy over the environmental effects of the project does not require preparation of an environmental impact report if there is no substantial evidence before the lead agency that the project may have a significant effect on the environment. The bill would also provide that statements in an environmental impact report and comments with respect to that report shall not be deemed determinative of whether the project may have a significant effect on the environment

(5) Under the act, the public agency which is preparing an environmental impact report is required to provide notice of that fact and to receive and consider information and comments from the public with respect to that report

This bill would require a public agency, if the agency after giving that notice revises the report to include significant new information, to give the required notice and to receive and consider information and comments from the public with respect to the revised report. This procedure would impose a state-mandated local program.

(6) Under the act, the lead agency is required to consult with, and obtain comments from, each responsible agency and any public agency which has jurisdiction by law with respect to the project

This bill would require that a responsible agency or public agency only make substantive comments regarding those activities of a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. The bill would also require the agency to support those comments by specific documentation, thereby imposing a state-mandated local program.

(7) The bill would require, in all actions to attack, review, set aside, void, or annul acts or decisions of a public agency, except those involving the Public Utilities Commission, on the grounds of noncompliance with the act, that the petitioner file a request at the time the action is filed for preparation of the record of proceedings by the public agency. The bill would require the public agency to prepare and certify the record of proceedings, except as specified, not later than 60 days after being served with the request. By imposing this requirement on local agencies, the bill would impose a state-mandated local program. The bill would require the clerk of the superior court to prepare and certify the clerk's transcript on appeal not later than 60 days after the notice designating the papers or records to be included.

(8) The bill would require a public agency, within 20 days after being served with a petition or complaint to attack, review, set aside, void, or annul any action of the agency, to file a notice with the court of a time and place for all parties in the action to meet and attempt to settle the action. The bill would require the parties to meet and attempt in good faith to settle the action, as specified. By requiring local agencies to engage in this procedure, the bill would impose a state-mandated local program.

(9) The bill would provide that no person shall have standing to bring an action under the act to attack, review, set aside, void, or annul an action of a public agency approving a project on grounds of noncompliance with the act unless that person presented the alleged grounds of noncompliance orally or in writing to the public agency, except as specified. These provisions would not apply if there was no public meeting or other opportunity for the public to raise objections or if the public agency failed to give the required public notice.

(10) The bill would incorporate additional changes in Sections 21104 and 21153 of the Public Resources Code made by AB 2411, to be operative only if both this bill and AB

2411 are enacted and become effective January 1, 1985, and this bill is enacted last.

(11) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(12) The bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch 1515 (AB 832) Cortese. Annexation: local agency formation commission

Under existing law, the local agency formation commission created within in each county has specified powers and duties concerning the organization and formation of districts and cities, including proposals for the annexation of territory.

This bill would prohibit a local agency formation commission from requiring the provision of services by the city to an area which is not within the sphere of influence of that city unless the condition would mitigate effects which are a direct result of the annexation.

The bill would state that its provisions are declaratory of existing law.

Ch 1516 (SB 669) Maddy. Health

Under existing law, the State Department of Health Services is required to issue a separate license to health facilities in certain instances, and several exceptions to this requirement are made.

This bill, in addition to the existing exemptions, would exempt all beds licensed to an acute care hospital, if reimbursement from the Medi-Cal program for beds licensed for certain services and not otherwise exempt does not exceed the reimbursement which would be received if the beds were in a separately licensed facility.

The bill would also provide that all beds licensed to an acute care hospital which meet the criteria for designation within peer group 6 or 8, as defined in the report entitled "Hospital Peer Grouping for Efficiency Comparison," dated December 20, 1982, and published by the California Health Facilities Commission, and all beds in hospitals which have fewer than 76 licensed acute care beds and which are located in a Census Designation Place of 15,000 or less population, are exempt from separate licensing provisions concerning the rendering of skilled nursing or intermediate care facility services except under specified circumstances.

This bill would include within the exemption from disclosure state agency records that reveal the special negotiator's communications, or any other portion of the negotiations with providers of health care services. It would provide that contracts or amendments thereto, entered into on or after April 1, 1984, for inpatient Medi-Cal services by providers shall be open to inspection one year after they are fully executed. It would also provide that contracts entered into by the California Medical Assistance Commission for other than inpatient hospital services shall be open to inspection one year after they are fully executed.

Existing law provides that projected Medi-Cal expenditures for Medi-Cal services in a Santa Barbara County pilot program, under which the county arranges for all Medi-Cal services, are based on 95% of Medi-Cal expenditures, based upon a fee-for-service model, for a comparable county or group of counties.

This bill would instead provide that expenditures for services and administration under this program shall be based upon either one or a combination of relevant prior fee-for-service Medi-Cal experience in the program county or the fee-for-service Medi-Cal experience in comparable counties or groups of counties.

Certain provisions of the bill would only become operative if SB 1558 is not enacted. The bill would take effect immediately as an urgency statute.

Ch. 1517 (SB 1504) Garamendi. Research facilities: University of California

Existing law relating to the construction and leasing of public buildings requires that the plans and specifications for the construction of a public building be prepared by the Department of General Services, requires the State Public Works Board to reimburse the department for costs from funds available for that purpose, and requires that a public building be constructed subject to the provisions of the State Contract Act. In addition, it requires that a building constructed under authority of the board shall be transferred to the jurisdiction, and operated and maintained by, the department after the receipts from the operation of the building are no longer required for the payment on principal or interest on applicable revenue bonds or certificates

Existing law exempts from the above requirements any public building constructed for lease-purchase to, among others, the Regents of the University of California pursuant to provisions authorizing the construction of high technology educational and research facilities in public universities.

This bill, in addition, would exempt any public building constructed for lease-purchase to the regents for research purposes pursuant to this bill.

This bill would also exempt any public building constructed for lease-purchase to the regents for library purposes pursuant to SB 1905, to become operative only if SB 1905 is chaptered.

Existing law authorizes the State Public Works Board to finance the construction or renovation, and the equipping, of public buildings or facilities within the University of California, the California State University, the California Maritime Academy, and the California Community Colleges. It requires those public buildings or facilities to be used only for educational and research purposes related to specified fields of high technology, including engineering, computer science, biological science, and related basic sciences. It authorizes the board to lease or lease-purchase those buildings or facilities to those educational institutions, as specified, for those purposes

This bill would authorize the board to finance the construction, renovation, and equipping of research facilities within the University of California. It would require those public buildings or facilities to be used only for research purposes related to specified areas of research, including, but not limited to, engineering, computer science, biological science, and related basic sciences. It would require the board to lease-purchase to the University of California those buildings or facilities for those purposes. It would state the intent of the Legislature to provide funding through the annual Budget Act for specified purposes relating to the establishment of research facilities.

Existing law authorizes the board to issue certificates or revenue bonds, negotiable notes, or negotiable bond anticipation notes to finance the cost of construction or renovation and the equipping of the public buildings or facilities, subject to specified conditions.

This bill would enact similar provisions, as specified

Ch. 1518 (AB 2615) Moorhead Medi-Cal

Under the Medi-Cal Act, certain medically needy persons are eligible for health care services if their monthly income in excess of the specified amount required for maintenance is not sufficient to provide for the costs of health care, less any amount by which the value of the person's resources exceeds specified amounts. Also, transferring resources without adequate consideration is presumed to constitute a gift of property with intent to qualify for assistance, and disqualifies the owner from assistance for a certain period.

This bill would provide that, in determining the eligibility of a married individual who is considered to be living separately from his or her spouse, certain transfers would be deemed to have been made for full and adequate consideration. The bill would require the State Department of Health Services to furnish Medi-Cal applicants with certain notices regarding steps which may be taken by married individuals determined ineligible under certain income standards of the Medi-Cal program with respect to their property.

It would also state legislative intent in this regard

Ch. 1519 (SB 2264) Marks. Historical Preservation: state archives

Existing law requires the Secretary of State to maintain and properly equip safe and secure vaults for the preservation, indexing, and use of the archives.

This bill would provide that the secretary shall conduct a feasibility study, as specified, to assess the needs, costs, and appropriate location for a new facility or the conversion of an existing facility, or both, to house the collections and operations of the California State Archives for the next 50 years. This bill would appropriate \$100,000 from the General Fund to the Secretary of State to defray the costs of the feasibility study.

Ch. 1520 (SB 1656) Maddy. Restitution centers.

Existing law requires restitution to be made to victims of crime, as specified.

This bill would provide that the Director of Corrections may establish and operate, as specified, facilities to be known as restitution centers, the purpose of which is to provide a means for those sentenced to prison to be able to pay to the victim financial restitution as ordered by the sentencing court, or as agreed upon by the defendant and the victim.

The bill would contain provisions relating to the: (1) location of the restitution centers; (2) supervision, management, and control of the centers and persons confined therein by the Director of Corrections; (3) reimbursement by the Director of Corrections of additional direct law enforcement costs of local government occurring as a result of the restitution centers; (4) eligibility of a defendant for placement in a restitution center and court orders directing that placement; (5) establishment of restitution center community advisory boards, the specified members of which would be entitled to receive actual expenses approved by the Director of Corrections and paid by the Department of Corrections; (6) performance of labor at the centers and payment by the Director of Corrections of offenders to perform work at a center, (7) distribution of wages earned by an offender and paid to the Department of Corrections; and (8) regulation of offenders confined at restitution centers.

Ch 1521 (AB 3648) Young. Workers' compensation insurance self-insurance

Existing law does not specifically require a certificate of consent by persons who administer workers' compensation claims of self-insured employers as a third-party administrator.

This bill would require any person, other than a workers' compensation insurer, who contracts to administer workers' compensation claims of self-insured employers as a third-party administrator, to be in possession of a certificate of consent to administer self-insured employers workers' compensation claims, and would require that all persons given discretion by a third-party administrator to deny, accept, or negotiate a workers' compensation claim demonstrate their competency to the Director of Industrial Relations by written examination or other approved method.

This bill would also require a separate certificate of consent for each adjusting location operated by a third-party administrator, would provide that a third-party administrator holding a certificate of consent would be subject to the workers' compensation law only with respect to the adjustment, administration, and management of workers' compensation claims for any self-insured employer, and would permit the director to revoke a certificate of consent or impose a fine of not less than \$50 nor more than \$500 for good cause, as defined.

Existing law requires a self-insured political subdivision of the state to file a self-insurer's annual report in a form prescribed by the director.

This bill would repeal this requirement.

Existing law provides that a certificate of consent to self-insure may be revoked for good cause, and specifies actions which constitute good cause.

This bill would revise the actions which constitute good cause for revocation of a certificate of consent to self-insure.

This bill would become operative on July 1, 1985.

Ch. 1522 (SB 2092) Lockyer. County health services. Medi-Cal.

Under existing law, there is a special negotiator who negotiates rates, terms, and conditions for contracts with hospitals for inpatient services rendered to Medi-Cal program beneficiaries. In negotiating these contracts, the negotiator is required to consider certain specified factors.

This bill would require the negotiator to consider specified factors in the case of

county hospitals and university medical centers contracting with counties for provision of health care to indigent persons entitled to care.

Under existing law, a 2-year pilot project has been established in Alameda County whereby utilization controls under the Medi-Cal program are not required in order to obtain reimbursement for services, and a county-hospital based utilization review committee is established to determine the level of authorization for payment.

This bill would provide that this pilot project shall be extended for a period ending 12 months after the effective date of this bill

This bill would take effect immediately as an urgency statute

Ch 1523 (SB 1387) Marks. Property purchasers, financial transaction reporting: redevelopment agencies

(1) Under the law as it will become effective on January 1, 1985, certain property acquisitions by public entities are exempted from the requirement that a public entity pay relocation assistance and satisfy other conditions

This bill would limit the scope of the exemption to the requirement to provide relocation assistance and benefits.

(2) Existing law permits the Controller to require certain community redevelopment agencies to furnish financial transaction information to him or her and requires this information to be compiled and published in a prescribed manner

This bill would require the Controller to compile and publish annually reports of the financial transactions of each project area of each community redevelopment agency, as specified. It would appropriate \$105,000 to the Controller for the costs of the increased duties imposed upon the Controller pursuant to this bill during the 1984-85 fiscal year.

(3) Existing law requires every community redevelopment agency to present a specified report to its legislative body within 6 months of the end of the agency's fiscal year. Existing law requires a copy of this report to be filed with the Department of Housing and Community Development, as prescribed. Existing law also authorizes the Department of Housing and Community Development to charge an agency for the cost of processing the report.

This bill would revise the reporting requirements in a specified manner and delete the cost reimbursement provisions. It would require additional information in the report with respect to indebtedness and tax increment property tax revenues, as specified.

It makes certain technical and conforming changes to effectuate its provisions.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill creates a state-mandated local program by prescribing new reporting duties for redevelopment agencies.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(5) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1991, the provisions contained in the bill for which state reimbursement is required.

Ch. 1524 (AB 3474) Wyman. Community care facilities.

Under existing law, the Director of Social Services licenses community care facilities

This bill would require the director to establish an automated license information system on licensees and former licensees of licensed community care facilities to maintain a record of any information that may be pertinent for licensure. These provisions would become operative on July 1, 1985.

Ch 1525 (AB 2642) Hayden. Santa Monica Bay: sport fishing revitalization study.

Existing law does not require the Department of Fish and Game to perform a study and make recommendations to the Legislature to increase sport fishing opportunities in Santa Monica Bay

This bill would enact the Santa Monica Bay Revitalization Act, which would require the department to make that study, submit its draft report to the Santa Monica Bay Advisory Committee, which would be created by the bill, for comment, and submit its final report to the Legislature by January 1, 1986. That act would be repealed on January 1, 1986.

The bill would appropriate \$60,000 to the department from the California Environmental License Plate Fund to carry out the Santa Monica Bay Revitalization Act

Ch 1526 (AB 4043) Areias. Natural disaster relief

Existing law prescribes procedures, under the Natural Disaster Assistance Act, whereby funds appropriated by the Legislature for such purpose may be allocated by the Director of the Office of Emergency Services, as specified

This bill would allocate \$1,300,000† to the 1983 Natural Disasters Account, as created by the bill, which account would be in the Natural Disaster Assistance Fund for designation by the Director of the Office of Emergency Services in accordance with the Natural Disaster Assistance Act. The moneys shall be made available to those who have incurred losses or expenses resulting from the "Morgan Hill" earthquake of April 24, 1984, as specified.

The bill would take effect immediately as an urgency statute

Ch 1527 (SB 1831) Seymour. Slide-in campers

(1) Under existing law, truck campers are defined to be recreational vehicles, but are not otherwise defined, for purposes of the Mobilehomes-Manufactured Housing Act of 1980, and truck campers are included within the definition of slide-in campers, as defined, which are defined to be recreational vehicles for purposes of the Recreational Vehicle Park Occupancy Law.

This bill would define truck campers to be slide-in campers, as defined, for both of those laws.

(2) Under existing law, truck campers are not required to be registered

This bill would require, on and after January 1, 1986, truck campers to be registered, at the owner's request, by the Department of Housing and Community Development under the Mobilehomes-Manufactured Housing Act of 1980, and would make related changes to those provisions, including authorizing the department to set and collect fees for the registration of truck campers

(3) Existing law requires that all fees accruing to the department pursuant to the Mobilehomes-Manufactured Housing Act of 1980 be deposited in the Mobilehome-Manufactured Home Revolving Fund, which is continuously appropriated to the department.

This bill would impose registration fees on truck campers which would be deposited to that fund, and would thereby make an appropriation

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would impose a state-mandated local program, since violations of its provisions and regulations adopted pursuant thereto would be subject to criminal penalties

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1528 (SB 1235) Carpenter. Mobilehomes.

(1) Under existing law, the sale of mobilehomes and commercial coaches and the financing of the purchase of the same are regulated in detail

This bill would redefine "salesperson," for purposes of the laws regulating mobilehome and commercial coach sales to include persons selling manufactured homes, and the bill would include leases, as well as sales, as activities of salespersons.

(2) Under existing law, it is a misdemeanor to commit various crimes in connection with mobilehome licensing

† Appropriation in Section 2 of chapter deleted by action of the Governor

This bill would revise the penalty for the licensing crimes and would also make it a crime to commit various acts in connection with manufactured housing sales. By creating new crimes in connection with manufactured housing sales, this bill contains a state-mandated local program.

(3) The bill would redefine the duties of dealers in mobilehomes and commercial coaches and redefine various aspects of the law in connection with sales of these vehicles, and "manufactured homes" would be included within some of these regulations. The required contents of contracts of sale would also be revised, as would licensing requirements and related matters. The bill would also require regulations to set forth continuing education requirements for manufactured housing dealers and salespersons as a condition of licensing on or after January 1, 1987.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(5) The bill would provide that certain provisions would not be operative until January 1, 1985.

(6) This bill would take effect immediately as an urgency statute.

Ch. 1529 (SB 1594) Alquist. Payment of claims.

This bill would appropriate \$544,225.33 from specified funds to the State Board of Control to pay the claims of the Secretary of the State Board of Control.

The bill would take effect immediately as an urgency statute.

Ch. 1530 (AB 3397) Johnston. The San Joaquin River Channel.

Existing law provides for state cooperation with the federal government in the construction of specified flood control projects.

This bill would adopt and authorize a project for specified flood control work on the San Joaquin River, substantially in accordance with specified congressional action at a federal cost of approximately \$5,000,000, and would require the Department of Water Resources to maintain and operate the work on behalf of the state. The bill would require any assurance agreement to provide for mitigation of the impact of the project with the objective of providing a net long-term enhancement of the riparian habitat and fishery.

The bill would make legislative findings and declarations in this connection and would require the Reclamation Board to report to the Legislature on specified matters by December 31, 1985.

The bill would take effect immediately as an urgency statute.

Ch. 1531 (SB 1919) Marks. Hazardous waste civil penalties.

Existing law requires civil penalties collected for violation of specified provisions of the hazardous waste control law to be deposited in the Hazardous Waste Control Account in the General Fund, and requires the State Department of Health Services to pay $\frac{1}{2}$ of any civil penalty awarded to either the city or county if the action is brought by either entity, or the actual costs of prosecuting the case in which the penalty was awarded, whichever is less, except that the amount awarded is also reduced by the amount rewarded to a person providing specified information. Existing law requires the department to use a specified portion of the award to fund the enforcement activities of local health officers.

This bill would instead require that all civil penalties so collected be apportioned so that 50% is deposited in the Hazardous Waste Control Account, 25% is paid to the office of the city attorney, the district attorney, or the Attorney General, whichever office brought the action, and 25% is paid to the department to fund the enforcement costs of local health officers.

The bill would also make conforming changes.

Ch. 1532 (AB 3525) Calderon Solid waste disposal sites. enforcement and hazardous waste migration

(1) Under existing law, an enforcement agency for the enforcement of solid waste disposal provisions is required to be designated in each county and any person operating a solid waste facility, including a solid waste disposal site, is required to cease and desist any improper action upon the order of the enforcement agency

This bill would require the enforcement agency, a California regional water quality control board, an air pollution control district or air quality management district, and the State Department of Health Services to provide a specified statement to the other respective agencies or boards at least 10 days before issuing an enforcement order which is not for an emergency, within 5 days after issuing an enforcement order for an emergency, and within 15 days after discovering a violation of state or local laws, regulations, or permits concerning a solid waste disposal site which is likely to result in an enforcement action

The bill would require that an agency or board notified of an enforcement order to inspect the solid waste facility within 10 days to determine if specified state laws, regulations, or permits are being violated. The bill would establish a procedure for these boards and agencies, as defined, to determine which agency or agencies will take action concerning a complaint regarding a solid waste disposal site and would require such a board or agency receiving a complaint to take an enforcement action or issue a specified written statement.

The bill would require the State Water Resources Control Board and the State Air Resources Board to submit a report to the Legislature by July 1, 1988, July 1, 1989, and July 1, 1990. The report would be required to include a summary of the data from solid waste assessment test reports submitted by January 1 of the preceding year, by solid waste disposal sites to the boards of the air pollution control districts or air quality management districts and to California regional water quality control boards.

The bill would specify the information which the solid waste assessment test reports would be required to contain and would require solid waste disposal sites to submit the reports to the boards of the air pollution control district or air quality management district by January 1, 1987, and to the local California regional water quality control board by January 1, 1987, if the facility is one of the first 150 so ranked by the regional board, or later, as specified. The bill would also specify the procedures for approving the report's test results and the facility's monitoring program in the report submitted to the air pollution control district or air quality management district and would require the report submitted to the regional water quality control board to be certified by a geologist or civil engineer, as specified. The bill would require the board of an air pollution control district or air quality management district and the California regional water quality control board to examine the report and notify the State Department of Health Services and the California Waste Management Board and to take appropriate remedial action if the board determines that hazardous waste is migrating into the air or water, and would require a regional board to consider the information in the report when revising the waste discharge requirements for that disposal site.

The bill would authorize air pollution control districts and air quality management districts to increase fee schedules to generate revenues to pay for district costs associated with implementation of the bill.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by requiring enforcement agencies and solid waste disposal sites owned and operated by cities, counties, or districts to take specified actions.

The bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may for some costs, levy a fee, and for other costs, may pursue their other available remedies to seek reimbursement for these costs.

(3) The bill would provide that, notwithstanding Section 2231.5 of the Revenue and

Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch 1533 (AB 3438) Sher. Toxic substances labeling of art or craft material.

(1) Existing law, in the California Hazardous Substances Act, requires that certain hazardous substances, as defined, or products which contain a hazardous substance, be labeled, as specified. That act permits the State Department of Health Services to seize misbranded or banned hazardous substances, and to bring forfeiture proceedings in the superior court. It also authorizes the department to bring an action for an injunction to restrain anyone from violating that act. A violation of any provision of the act is a misdemeanor.

This bill would impose a state-mandated local program by adding to the California Hazardous Substances Act provisions which would require that art or craft materials containing certain toxic substances causing chronic illness, as defined, be labeled, as specified. These provisions would become operative January 1, 1986.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1534 (SB 1574) Campbell. Solid waste: California Waste Management Board: report

(1) Existing law authorizes the Governor to appoint one of the members of the California Waste Management Board as chairman, which is a full-time position with a specified salary. Existing law also authorizes the board to appoint a chief executive officer

This bill would provide that the chairman of the board is a half-time position and would decrease the salary accordingly. The bill would also exempt the chief executive officer from civil service laws and would authorize the board to set the duties and salary of the chief executive officer

(2) The bill would require the board to submit a report to the Legislature concerning the establishment of a statewide fund to assure proper closure of a facility and post-closure maintenance. The bill would appropriate \$55,000 to the board to prepare this report.

Ch. 1535 (AB 2333) Costa. Regional water quality control boards.

(1) Under existing law, each member of a regional water quality control board receives \$50 for each day during which that member is engaged in the performance of official duties, subject to a maximum of \$600 per fiscal year, except that no member is entitled to receive compensation if the member otherwise receives compensation from other sources for performing those duties.

This bill would increase that compensation to \$75 per day, subject to a maximum of \$1,500 per fiscal year

The bill would appropriate \$30,000 from the General Fund to the Controller for the purpose of increasing this compensation for the period January 1, 1985, to June 30, 1985

(2) Under existing law, the State Water Pollution Cleanup and Abatement Account in the State Water Quality Control Fund is continuously appropriated until July 1, 1985, to the State Water Resources Control Board to assist public agencies in cleaning up waste or abating its effects on waters of the state.

This bill would indefinitely extend the continuous appropriation of the account, would establish priorities, as specified, for expenditure of the deposits to the account, and would add regional water quality control boards, under specified conditions, to the public agencies that may be awarded money from the account; thereby making an appropriation

Ch. 1536 (AB 2848) Tanner. State Department of Health Services: pesticides.

Existing law authorizes the State Department of Health Services to adopt regulations prescribing the tolerances for pesticides in processed foods.

This bill would require the department to evaluate the tolerance prescribed, or an exemption from a tolerance granted, except as otherwise specified, for a pesticide in processed foods and to determine whether the existing tolerance or exemption is protective of the public health whenever any one of a list of specified circumstances occurs. The department would be required to make this determination, and the reasons therefor, within one year if one of the circumstances occurs after January 1, 1985, and by January 1, 1990, if one of the circumstances occurred prior to January 1, 1985.

The bill would require the department to take specified actions upon determining that an existing tolerance or an exemption from a tolerance is not protective of public health.

Ch. 1537 (AB 3447) Sher. Hazardous substances: underground storage.

(1) Existing law requires every county to implement specified provisions regulating underground storage tanks and permits a city to implement these provisions. Existing law exempts certain cities and counties which enacted a specified ordinance prior to January 1, 1984, from requirements concerning the storage of hazardous substances in underground storage tanks and requires these cities and counties to submit certain forms to the State Water Resources Control Board.

Existing law also requires that a surcharge be included in the fee paid to a local agency by an applicant for an underground storage tank permit, and that this surcharge be transmitted to the board, for specified purposes. The operator of an underground storage tank is also subject to various civil penalties for designated violations.

This bill would permit these civil penalties to be levied and collected additionally by a city or county which is exempt from this chapter, and would, until January 1, 1990, require every city and county, except for Santa Clara County and every city therein, to collect and transmit this surcharge to the board. The bill would specifically require every city and county to undertake its regulatory responsibilities in these regards without undue delay after the board adopts specified regulations and to implement these provisions by July 1, 1985. The bill would also make conforming changes.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

The bill would impose a state-mandated local program by requiring cities and counties which are exempted from the provisions concerning the regulation of underground storage tanks to implement specified provisions of law concerning the underground storage of hazardous substances.

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1538 (AB 2494) Campbell. Hazardous waste: criminal penalties.

(1) Existing law imposes criminal fines of up to \$50,000 or imprisonment of up to one year in the county jail, or both, upon persons knowingly disposing of hazardous waste in an unauthorized manner or knowingly transporting hazardous waste to an unauthorized point or facility. Existing law also increases the penalties for subsequent convictions by imposing imprisonment in the state prison for 16, 20, or 24 months, or by imprisonment in the county jail for up to one year, or by the specified fine, or by both the fine and imprisonment.

This bill would require that a person convicted of committing any of these acts or of knowingly causing this transportation, or who reasonably should have known that he or she was committing any of these acts or causing this transportation, be punished by imprisonment in the county jail for not more than one year or by imprisonment in the state prison for 16, 24, or 36 months. The bill would also permit the imposition of the specified fine and would delete the increase in penalties for subsequent convictions.

(2) Existing law imposes criminal fines of up to \$25,000 or imprisonment of up to one year in the county jail, or both, for certain acts done knowingly by any person, including, among other things the destruction, alteration, or concealment of, or making a false representation in, any record required to be maintained pursuant to the hazardous

waste control law relating to the generation, storage, treatment, transportation, disposal, or handling of hazardous waste, the withholding of certain requested information, or the unauthorized transportation of hazardous waste. Existing law also increases the penalties for the second and third convictions of committing these prohibited acts by imposing imprisonment in the state prison for 16, 20, or 24 months, or by imprisonment in the county jail for up to one year, or by the specified fine, or by both fine and imprisonment.

This bill would require that the fine imposed upon a person committing any of these acts be at least \$2,000.

The bill would also impose a state-mandated local program by creating a new crime punishable as a misdemeanor for a violation of specified provisions, permits, and regulations concerning hazardous waste and, for subsequent violations, punishable by imprisonment for up to one year in the county jail or 16, 20, or 24 months in state prison, except as specified. The bill would also permit the imposition of a fine of between \$5,000 and \$25,000 upon a person convicted of a subsequent violation.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that, as to provisions of the bill relating to criminal or civil penalties, no appropriation is made and no reimbursement is required by this act for a specified reason.

(4) Under the Carpenter-Presley-Tanner Hazardous Substance Account Act, moneys deposited in the Hazardous Substance Account may be used, upon appropriation by the Legislature, for response and remedial actions relating to hazardous substance sites.

This bill would impose a state-mandated local program by requiring the State Department of Health Services or a county health officer, under that act, to order the posting and fencing, as specified, of sites where hazardous substances have been released under specified conditions or, under specified conditions, to so post or fence the sites. Failure of a property owner to post or fence in compliance with the order would make the property owner subject to a civil penalty of up to \$25,000, based upon specified considerations.

The bill would also require specified information concerning abandoned sites, as defined, to be exchanged between the department and county health officers, thereby imposing a state-mandated local program.

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(6) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 1539 (AB 3019) Klehs. Toxic chemicals.

Existing law requires the State Department of Health Services to maintain a program on occupational health and disease prevention, and to keep a repository of hazardous substances capabilities, as specified. Under existing law, the Department of Industrial Relations is required to establish, by interagency agreement with the State Department of Health Services, a repository of current data on toxic materials and harmful physical agents in use or potentially to be used in places of employment.

This bill would require this repository to contain information issued in a specified report, and would require the department to notify any requester regarding toxicity information on the nature and extent of any data gaps identified in the report, and of any determinations by any state or federal agency that the chronic health effects testing

data is inadequate or incomplete. The bill would require the department to notify the Division of Occupational Safety and Health of the Department of Industrial Relations where a data gap for any chemical is identified in the repository.

This bill would also make a technical change contingent on the enactment of SB 950, as specified.

Ch. 1540 (AB 3966) Elder. Redevelopment: removal and remedial action relating to hazardous waste.

Existing law authorizes a redevelopment agency to clear or move buildings, structures, or other improvements from any real property acquired by the agency

This bill would permit an agency to take any actions within a project area which the agency determines are necessary to remedy or remove hazardous waste from property if the agency obtains written approval from the State Department of Health Services prior to taking that action.

In addition, if methane or landfill gas is present, the bill would require the agency to also obtain written approval from the California Waste Management Board prior to taking that action.

Ch. 1541 (SB 2131) McCorquodale. Water quality enforcement

(1) Under existing law, it is a misdemeanor for any person to fail to furnish a report of a waste discharge required pursuant to specified provisions when so requested by a California regional water quality control board or to fail or refuse to furnish technical or monitoring program reports required pursuant to specified provisions or to falsify any information provided therein, or for any person to discharge waste in violation of specified requirements after the violation has been called to his attention in writing by the regional board

This bill would, in addition, permit civil liability to be imposed by a regional board or by the superior court, in accordance with prescribed procedures, and in a sum not to exceed specified amounts.

(2) Under existing law, any person discharging hazardous waste, as defined, in violation of these requirements may be liable civilly in a sum of not to exceed specified amounts.

This bill would permit civil liability to be imposed by a regional board or by the superior court, in accordance with prescribed procedures, and in a sum not to exceed specified amounts.

(3) Under existing law, any person who intentionally or negligently violates cease and desist orders issued by a regional board or the State Water Resources Control Board or discharges waste or any petroleum product under specified circumstances may be liable civilly in a sum of not to exceed \$6,000 for each day in which the violation or deposit occurs. Any person who, without regard to intent or negligence, causes or permits any hazardous substance, as defined, to be discharged in or on any of the waters of the state where it creates a condition of pollution or nuisance is, except under specified circumstances, strictly liable civilly in an amount not to exceed \$6,000 per day of discharge. The amount of the liability is judicially determined.

This bill would instead permit civil liability to be imposed on any such person administratively by a regional board or imposed by the superior court in accordance with specified provisions, and would prescribe the maximum amounts of that civil liability. The bill would prescribe procedures for so imposing administrative civil liability, provide for administrative review by the state board of any regional board order setting that civil liability, and authorize judicial review of any final order. The bill would specify factors to be taken into consideration by either the regional board (or state board on review) or the superior court in determining the amount of civil liability.

(4) Under existing law, any person who discharges specified pollutants or violates specified requirements or orders issued by a regional board or the state board, as required under federal water pollution control laws, is subject to civil penalties and criminal fines not to exceed specified amounts

This bill would provide for civil penalties in an amount to be determined, as prescribed, and would increase criminal fines as prescribed.

(5) Under existing law, each regional board, after consulting with and receiving the recommendations of the State Department of Health Services and after any necessary

hearing, is directed, if it determines such action to be necessary to protect the public health, safety, or welfare, to prescribe water reclamation requirements for water which is used or proposed to be used as reclaimed water.

This bill would prohibit a regional board from denying issuance of water reclamation requirements to a project which violates only a salinity standard in the basin plan. The bill would prohibit the imposition of civil penalties upon any water reclamation project violating only a salinity standard.

Ch. 1542 (AB 3667) Campbell. Water quality pretreatment program.

(1) Under existing law, the Environmental Protection Agency, pursuant to federal law, has promulgated national pretreatment standards to control pollutants which pass through or interfere with treatment processes in publicly owned treatment works.

This bill would require the State Water Resources Control Program to develop a state pretreatment program and to apply, not later than September 1, 1985, to the Environmental Protection Agency for approval of the program in accordance with federal requirements. The bill would make legislative findings and declarations.

(2) The bill would also appropriate \$270,000 from the General Fund to the State Water Resources Control Board for the purposes of the pretreatment program.

Ch. 1543 (AB 3566) Katz. Hazardous waste: surface impoundments.

(1) Existing law prohibits the storage or disposal of hazardous waste except in accordance with specified statutory provisions and regulations of the State Department of Health Services.

This bill would enact the Toxic Pits Cleanup Act of 1984 and would require that a person discharging liquid hazardous wastes or hazardous wastes containing free liquids into a surface impoundment file with the California regional water quality control board a hydrogeological assessment report, when notified by the regional board, except as specified. The bill would define surface impoundment to exclude specified structures. The bill would require the State Water Resources Control Board, by July 1, 1985, to adopt a fee schedule, by emergency regulation, which assesses fees upon persons discharging these wastes into a surface impoundment and sets the amount of fees for applications for, and renewals of, exemptions, as specified below. The board would be required to set the fees based upon the cost of administering these provisions. The bill would prohibit the Office of Administrative Law from repealing those regulations and would require the state board to collect and deposit the fees in the Surface Impoundment Assessment Account, which this bill would create in the General Fund. The money in the account would be available, upon appropriation by the Legislature, to the state board and the regional boards for purposes of administering these provisions.

The bill would prohibit any person, after June 30, 1988, from discharging liquid hazardous wastes or hazardous wastes containing free liquids into a surface impoundment if the surface impoundment contains hazardous waste and is within one-half mile of a potential source of drinking water and would require the person in that event to close the surface impoundment, as specified. The bill would authorize a regional board to grant an exemption from this requirement upon making specified findings, would specify procedures for the renewal and revocation of an exemption, and would require that a fee accompany an application for an exemption or renewal.

The bill would prohibit any person from discharging restricted hazardous wastes into a surface impoundment after July 1, 1985, and from discharging certain restricted hazardous wastes in that manner after January 1, 1985, unless the wastes are discharged into a surface impoundment located in a region exempted by the department, pursuant to a specified procedure.

The bill would also prohibit a person, after January 1, 1989, from discharging any liquid hazardous wastes or hazardous waste containing free liquids into a surface impoundment unless the surface impoundment is equipped and monitored, as specified. The bill would authorize a person to apply to the local California regional water quality control board for an exemption from these requirements for a surface impoundment which was issued waste discharge requirements, and for which construction had begun before July 1, 1984. The bill would specify the procedures for the review of the application for exemption, the information which the application is required to contain, and the procedures for the granting and renewal of the exemption. The bill would require the regional

board to impose specified conditions in the waste discharge requirements of the exempted surface impoundment and would require that a fee accompany the application for exemption and renewal. The bill would specify procedures for a review of an application for an exemption by the state board if the regional board does not act on the application by June 30, 1988. The bill would require the regional board to take specified actions if the regional board makes specified determinations concerning a surface impoundment.

The bill would authorize a regional board to grant an exemption from the provisions of this bill concerning hazardous waste discharge for a surface impoundment used for the discharge of mining wastes if certain regulations are adopted by the state board and if the regional board makes certain determinations and findings. The bill would specify procedures for the application and renewal of such an exemption.

The bill would also require the regional board to make at least one inspection per year of all facilities with surface impoundments and to regularly review monitoring data, as specified. The bill would provide that provisions in the Water Code concerning review of regional board actions by the state board, judicial review of these orders, and the obtaining of injunctions to prohibit waste discharge, apply to the regional board's actions taken pursuant to the bill's provisions.

The bill would subject a person failing to submit the report to the regional board, when required, to civil liability in a sum of not less than \$1,000 and not more than \$10,000 for each day the report is not received, and would subject a person submitting false information to the regional board to civil liability in a sum of not less than \$2,000 and not more than \$25,000, as determined by the court according to specified criteria. The bill would authorize the state board and regional board to enter into contracts for temporary services to implement the provisions of the bill.

The bill would require the state board to submit a report to the Legislature by January 1, 1987, and would make a statement of legislative intent concerning the time limits specified in these provisions.

(2) The bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would require all persons, including cities, counties, and districts, which discharge certain types of hazardous waste into surface impoundments to submit specified reports and to either close the surface impoundment or take specified actions, thereby imposing a state-mandated local program. Existing law imposes criminal penalties upon persons disposing of hazardous waste in an unauthorized manner, and this bill would also impose a state-mandated local program by prohibiting a specified manner of disposing of hazardous waste.

The bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for some of these costs and would provide that in other instances no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1544 (SB 1967) Speraw. Medi-Cal benefits

Existing law does not specifically require any property purchased for a Medi-Cal recipient under the Medi-Cal program to be returned to the State Department of Health Services.

This bill would provide that any item of durable medical equipment purchased for a Medi-Cal recipient exclusively with Medi-Cal program funds shall be returned to the State Department of Health Services when the department finds that the item is no longer medically necessary for the recipient.

Under existing law, the health benefits provided to low-income and indigent recipients by the Medi-Cal program include inpatient hospital services generally, subject to

utilization controls.

This bill would specify that, to the extent permitted by federal law, the Medi-Cal program shall pay for donor and recipient surgery when a heart transplant is provided a Medi-Cal beneficiary by a medical facility approved by the department to perform heart transplant surgery.

The bill also specifies that the facility performing the donor surgery shall be reimbursed if the facility performing the recipient surgery meets the requirements of the bill.

Ch. 1545 (SB 1790) Carpenter. State Military Reserve: funding

The bill would appropriate \$200,000 for the 1984-85 fiscal year to the State Military Reserve for expenditure upon approval of the Adjutant General for purposes of the Reserve.

The bill would state legislative findings and declarations in connection with the purposes of the bill, and would become effective immediately as an urgency statute.

Ch 1546 (AB 4047) M. Waters. Hazardous waste: cleanup

(1) Existing law requires that any person who, as owner, lessor, or lessee, knows or has probable cause to believe that a significant disposal of hazardous waste has occurred on the land which the person owns or leases, and who intends to construct specified structures, to apply to the State Department of Health Services for a determination of whether the land should be designated as hazardous waste property, which would subject the land to certain land use restrictions.

This bill would additionally require any city, county, or state agency which, as an owner, lessor, or lessee, knows or has probable cause to believe that an unauthorized disposal of hazardous waste has occurred on land which the public entity owns or leases to notify the department. The department would be required, upon receiving that notice, to determine whether there has been an unauthorized disposal of hazardous waste, and, if so, the department would be required to notify the county and the city, if any, in which the land is located, and the residents living within a specified distance of the land and be required to post signs, as specified. The bill would also require the department to take specified actions concerning any proposed cleanup activities and to take any other authorized action. The department would direct the city, county, or state agency to prepare a hazardous waste management plan, and to conduct public hearings, as specified. The bill would require the hazardous waste management plan to be approved by the department or a California Regional Water Quality Control Board, as determined appropriate by the department, and would require the city, county, or state agency to consider whether to incorporate any changes recommended by the public, the county, and the city, if any, in which the land is located.

The bill would also make a statement of legislative intent and would authorize the owner, lessor, or lessee of land to recover the costs of complying with this article from the person who produced the waste or was responsible for the disposal.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by requiring counties and cities to notify the department and to prepare a hazardous waste management plan under specified conditions.

The bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) The bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(4) The bill would take effect immediately as an urgency statute.

Ch. 1547 (SB 1495) Ayala Controlled substances.

Existing law provides that any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any of a list of specified substances with knowledge that the recipient will use the substance to unlawfully manufacture a controlled substance is guilty of a felony which is punishable by 16 months or 2 or 3 years in the state prison.

This bill would provide, in addition, that any manufacturer, wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes any of a list of specified substances with the intent that the recipient will use the substance to unlawfully manufacture a controlled substance shall be similarly punished.

Existing law provides that any retailer or wholesaler who sells any chemical, drug, laboratory apparatus, or device with knowledge that the chemical, drug, laboratory apparatus, or device will be used to unlawfully manufacture, compound, convert, process, or prepare a controlled substance for unlawful sale or distribution shall be punished by imprisonment in the county jail for not more than one year, or in the state prison for 16 months or 2 or 3 years.

This bill would provide, in addition, that any retailer or wholesaler who sells any chemical, drug, laboratory apparatus, or device with the intent that the chemical, drug, laboratory apparatus, or device will be used to unlawfully manufacture, compound, convert, process, or prepare a controlled substance for unlawful sale or distribution shall be similarly punished.

Ch 1548 (SB 1290) Presley State park system.

Under existing law, the Department of Parks and Recreation has management and control of the state park system.

This bill would appropriate \$1,713,000 from the Special Account for Capital Outlay in the General Fund to the department for restoration of the John Marsh Home, a unit of the state park system.

The bill would also require that moneys received from the Land and Water Conservation Fund for the federal share of the Burton Creek area land acquisition project be deposited in the State Beach, Park, Recreational, and Historical Facilities Fund of 1974.

The bill would take effect immediately as an urgency statute.

Ch 1549 (AB 2824) Davis Santa Monica Mountains Conservancy.

(1) Under existing law, the Santa Monica Mountains Conservancy is composed of 7 voting members and 2 ex officio members

This bill would require at least one of the public members of the conservancy to reside within the San Fernando Valley statistical area.

(2) Existing law authorizes the conservancy to acquire sites for park, recreation, or conservation purposes and to hold these lands for not more than 10 years. During this 10-year period, specified public agencies may acquire the lands for the acquisition costs plus administrative and management costs.

This bill would authorize the conservancy to determine if the public agency would operate and maintain transferred lands for park, recreation, or resource preservation purposes. If the conservancy made this determination, it could transfer the property to a city, county, recreation and park district, or the National Park Service without consideration or at a price mutually agreed upon by the parties after first offering the property to the Department of Parks and Recreation. The bill would require the conservancy to include specified restrictions in each transfer of property to the National Park Service and to include reversion provisions in each transfer of property to a state or local agency.

The bill would make a corrective change

Ch. 1550 (AB 1659) Farr Community energy authorities

Under existing law, counties and cities may generally own property and operate facilities necessary for the health and welfare of their inhabitants and for other public purposes.

This bill would enact the Community Energy Authority Act to state the intent of the Legislature to provide the means by which a county or city may implement a comprehensive energy strategy to assist in planning energy projects to encourage energy efficiency and conservation, and to authorize the governing body of any county or city to create a community energy authority. The bill would permit 2 or more cities or counties to jointly create an area energy authority. The bill would make the governing body the

commissioners of the authority and, in the alternative, would authorize the governing body to appoint other persons to so serve

The bill would specify that an authority is a subsidiary district for purposes of the District Reorganization Act of 1965, and would authorize an authority to construct, acquire, own, and operate any energy project, as defined, and coordinate or provide energy programs and services, particularly to low- and moderate-income persons and small businesses.

The bill would authorize an authority to issue revenue bonds, and would declare the bonds to be tax exempt. The bill would also declare that the property of an authority is tax exempt.

Ch 1551 (AB 1739) Goggin. State Coastal Conservancy.

(1) Existing law provides for the State Coastal Conservancy, with prescribed membership and powers and responsibilities, for implementing a program of agricultural land protections, area restoration, resource enhancement, resource protection, reservation of significant coastal resources areas, and providing public accessways within the coastal zone, as defined. The conservancy may apply for and accept federal grants and other financial support from public and private sources to carry out these provisions.

This bill would require that any funds received by the conservancy under these provisions be deposited in the State Coastal Conservancy Fund. The conservancy and the Controller would be required to establish separate accounts in the fund. The bill would authorize the conservancy to seek repayments of funds granted under these provisions upon terms and conditions it deems appropriate.

(2) Existing law authorizes the conservancy to undertake a project or award a grant to enhance a watershed resource, except in an anadromous fish stream or watershed riparian corridor, that is partly outside of the coastal zone.

This bill would delete the exemption as to an anadromous fish stream or watershed riparian corridor. The bill would require the Department of Fish and Game to approve any of those projects or grants which involve the management of fish.

(3) The California Coastal Act of 1976 provides for the payment of in-lieu public access fees by any person receiving a coastal development permit or a certificate of exemption for development of any designated land and, with respect to the Hollister Ranch public access program in Santa Barbara County, requires that those fees be credited as reimbursement to the appropriation made for public access programs under the Budget Act of 1981.

This bill would instead require that the Hollister Ranch in-lieu fees received before or after January 1, 1985, be deposited in the State Coastal Conservancy Fund and would make the funds available to the conservancy for purposes of the conservancy act, as specified in provisions of the California Parklands Act of 1980.

(4) The bill would have a severability clause.

Ch. 1552 (AB 2688) Jones. California water districts.

Under existing law, a district organized under the California Water District Law is generally authorized to construct any works across any stream of water, watercourse, street, avenue, highway, railway, canal, ditch, or flume which the route of a canal of the works may cross in a manner that will afford security for life and property.

This bill would authorize the district to construct any works along, under, or across any such way which the route of a pipeline or canal of the works may proceed along or across.

Ch. 1553 (SB 1983) Robbins. Fiscal affairs. Oil and gas lease revenues. 51st District Agricultural Association.

(1) Under existing law, the Controller is required to annually pay each city or county having specified tide and submerged lands, 1% of the revenues paid to the state from oil and gas leases within the city or county, except that the total amount apportioned to each city or county in each year may not exceed \$75,000 per mile of ocean frontage within, and owned or operated as a park by, that city or county, available to the public free of charge for recreational purposes, and leased by the State Lands Commission. The amounts paid are required to be deposited in a special trust fund and expended for specified purposes.

This bill would increase that limit to \$100,000 per mile of ocean frontage meeting those criteria, and would delete the limitations with regard to revenues within the city or county which exceed the revenues [from tide and submerged lands]* paid to the state during the 1983-84 fiscal year, thereby making an appropriation. The bill would also permit the funds to be expended for the mitigation of any adverse environmental impact of exploration for hydrocarbons on, and production or transportation of hydrocarbons produced on, tide and submerged lands within the city or county.

(2) Under existing law, specified amounts of license fees from horseracing meetings, other than those attributable to breakage, are paid into specified funds for specified purposes, with the balance paid to the General Fund.

This bill would require that, prior to depositing any of those fees into the General Fund, \$10,000,000 be deposited in a special account in the Fair and Exposition Fund to be used by the 51st District Agricultural Association for the acquisition and development of a fairgrounds site. The bill would appropriate those moneys to the district to be expended on a 34-66 matching basis with funds from other sources, as specified. The bill would also, subject to reappropriation or reallocation, require, if those moneys are less than the amount specified in a previous study of the Department of General Services, the Controller, commencing on June 30, 1992, to apportion revenues from state tideland oil revenues, as specified, until the deficiency is satisfied.

Ch. 1554 (SB 1702) Foran Surplus residential property.

Existing law requires state agencies to dispose of surplus residential property, as defined, in accordance with specified priorities and procedures. It limits the application of these provisions to surplus residential properties which were acquired for state projects, as specified, and provides that a freeway route and its interchanges shall be considered one state project.

This bill would further provide that the requirements for the disposal of surplus residential properties in accordance with specified priorities and procedures shall not apply to freeway routes rescinded on or after January 1, 1984, except as provided.

Existing law requires a public entity, as defined, to provide, among other things, relocation advisory assistance and relocation assistance payments and supplementary payments, and a review process relating to eligibility for payment, for any person, business, or farm operation displaced because of the acquisition of real property for public use.

This bill would make eligible for the above services and benefits any person who is displaced from a dwelling located on specified property declared surplus on or after January 1, 1984, under specified conditions. It would require the Secretary of the Business, Transportation and Housing Agency to appoint a Relocation Liaison for a term not to exceed 180 days to assist displaced persons eligible for the above services and benefits if a state surplus residential property disposal project includes 50 or more dwelling units.

Ch. 1555 (SB 1633) Keene Disqualification of judges.

(1) Existing law provides the instances in which a judge shall not sit or act in an action or proceeding, states instances in which a judge is not disqualified, provides for the waiver of that disqualification by the parties, specifies the manner of making the disqualification known, and specifies the procedures for conducting that action or proceeding in view of that disqualification.

(2) This bill would recast and revise those procedures relating to disqualification of judges.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by requiring court clerks to provide specified notice to the parties of the names of judges assigned to disqualification hearings.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other

available remedies to seek reimbursement for these costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch 1556 (AB 830) Bronzan Health facilities county hospital capital outlay projects

Under existing law, the California Health Facilities Authority, among other things, is empowered to provide financial assistance through various means for health facility construction projects.

This bill would establish a County Health Facilities Sinking Fund, which would be continuously appropriated for the purpose of matching county funds for capital outlay projects, as specified. The interest on the fund would be used to amortize loans for specified health facilities. The Controller would be required to deposit in the fund unexpended balances from appropriations in the County Health Services Fund for the 1981-82, 1982-83, and 1983-84 fiscal years and unexpended balances from subsequent fiscal years, and would be required to transfer \$10,000,000 from tidelands revenues into the fund.

Ch. 1557 (AB 3348) Katz. Seismic safety: skilled nursing and intermediate care facilities.

(1) Existing law, contained in the Hospital Seismic Safety Act of 1982, provides for state regulation of the design and construction of hospital buildings, as defined. Under existing law, plans for any hospital buildings are required to be submitted to the Office of Statewide Health Planning and Development for approval, together with a fee determined by the office of not to exceed 2% of estimated construction cost, but not less than \$250.

This bill would require the office to issue an annual permit for skilled nursing or intermediate care facilities, as defined, with a construction cost of \$25,000 or less, upon submission of a specified application. It would make the annual permit effective for an applicant for a state fiscal year with respect to projects undertaken in the particular hospital building by an applicant. It would prescribe a different annual permit fee for certain skilled nursing and intermediate care facilities, as specified.

(2) Existing law contained in the Hospital Seismic Safety Act of 1982, generally, with exceptions, requires the hospital governing board or authority to provide for and require competent and adequate inspection during construction or alteration by an inspector satisfactory to the architect or structural engineer, or both, and the office.

This bill would provide that those provisions shall not be construed to prohibit any licensed architect, structural engineer, mechanical engineer, electrical engineer, or any facility maintenance personnel, if approved by the office, from performing the duties of an inspector.

(3) Existing law does not authorize the office to exempt from the plan review process projects undertaken by prescribed skilled nursing and intermediate care facilities which the office determines do not materially alter the mechanical, electrical, architectural, or structural integrity of the facility.

This bill would authorize the office to do so.

(4) This bill would also incorporate additional changes in Section 15071 of the Health and Safety Code to be operative only if both bills are chaptered and become effective January 1, 1985, and this bill is chaptered last.

Ch. 1558 (SB 1893) Petris Earthquake safety education.

The California Earthquake Education Act of 1981, in effect until July 1, 1984, establishes a pilot project in 3 counties to develop, test, and evaluate programs for earthquake safety education and authorizes the Seismic Safety Commission to develop a program for earthquake education and preparedness for use in communities in those counties.

This bill would enact the California Earthquake Education Act of 1984 to establish a project for the implementation of a statewide program of earthquake safety education and preparedness. The bill would authorize the commission to contract with the University of California to carry out the project. The bill would specify the elements and

objectives of the project and would make legislative findings and declarations in this connection

The bill would appropriate \$525,000 from the General Fund to the Seismic Safety Commission, to be allocated \$175,000 in each of fiscal years 1984-85 to 1986-87, inclusive

Ch. 1559 (SB 2208) Hart. Schools: attendance.

(1) Existing law authorizes the Superintendent of Public Instruction to establish pilot programs for attendance accounting and reporting for the 1980-81 school year, and exempts participating school districts from specified attendance accounting and reporting requirements of current law.

This bill would authorize the superintendent to make these programs available through the 1984-85 school year, but would specifically prohibit school districts from receiving a revenue limit increase pursuant to these programs after the 1982-83 fiscal year.

(2) Existing law requires the governing board of each school district to annually disclose to the public actual pupil attendance rates in the district.

This bill would require the governing board of each school district to annually disclose to the public actual pupil attendance rates for each school in the district.

This bill would require school districts and county offices of education to annually certify to the Superintendent of Public Instruction that it has made this public disclosure.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose state-mandated local costs by requiring school districts and county offices of education to revise the methods for reporting pupil attendance, as prescribed

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(4) This bill would take effect immediately as an urgency statute.

Ch. 1560 (AB 3688) Costa Winter recreation parking.

(1) Existing law does not provide for a winter snow parking permit program.

This bill would establish a California SNO-PARK permit program in designated areas, administered by the Department of Parks and Recreation, to establish snow-cleared parking facilities in winter recreation areas. Snow removal would be provided by the Department of Transportation. The program would be funded by the sale of permits, with revenues deposited in the Winter Recreation Fund, which the bill would create. Money in the fund would be allocated for specified purposes, when appropriated.

Violations of permit provisions would constitute an infraction punishable by a fine of \$75, thereby imposing a state-mandated local program. The bill would require that 50% of the fines collected by a county be transmitted to the state for deposit in the fund and that 50% be deposited in a special account in the county general fund to be used exclusively to further the purposes of the program, thereby imposing a state-mandated local program.

The bill would appropriate \$200,000 from the General Fund to the department as a loan for administrative and startup costs in implementing the program and would require the loan to be repaid, with interest at a specified rate, from the Winter Recreation Fund within 5 years.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for the new crimes or infractions and would provide with respect to any other state-mandated local program that no appropriation is made and no reimbursement is required because of local authority to levy service charges, fees, or assessments, sufficient to pay for the program or level of service demanded by this bill

(3) The bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(4) The bill would take effect immediately as an urgency statute.

Ch 1561 (AB 1107) Papan Service stations: air and water

Existing law does not require service stations to provide water and air to the public for use in servicing any motor vehicle.

This bill would provide that service stations, as defined, must, on and after January 1, 1985, provide, during operating hours, water, compressed air, and a gauge for measuring air pressure, to the public for use in servicing any passenger vehicle or small commercial vehicle, as defined. Intentional violation of any of the provisions of the bill or any regulations promulgated pursuant thereto would be an infraction punishable by a fine not to exceed \$50 for each day of violation. A person would not be guilty of an infraction, however, if, within 7 days after receiving notice of a violation, he or she makes whatever changes are necessary to comply with the provisions of this act. The bill's provisions would be enforceable by the city attorney, district attorney, or Attorney General.

This bill would impose a new program or higher level of service upon local governments by creating a new crime

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1562 (SB 2235) Keene Firearms.

Existing law prohibits the possession of specified firearms and other weapons, but exempts, among other things, the possession of certain weapons pursuant to the federal Gun Control Act of 1968.

This bill would make that exemption inapplicable to pen guns

Under existing law relating to the issuance of a license to carry a concealed firearm, each applicant for a new license or for the renewal of a license is required to pay a fee determined by the Department of Justice to be sufficient to reimburse the department for the direct costs of furnishing a required report, which shall not exceed \$10. The licensing authority may charge an additional fee, not to exceed \$3, for processing any such application.

This bill would delete the dollar limitation on the amount of the fee that may be charged by the Department of Justice and provide that the fee shall not exceed the application processing costs of the department.

Existing law prohibits delivery of a firearm within 15 days of the application for purchase.

This bill would prohibit the delivery within 15 days of the application or other specified times, whichever is later.

Existing law prohibits the delivery or sale of a concealable firearm to a person if the seller has reasonable cause to believe the person falls within various classes of persons, including felons and narcotic addicts, and prohibits delivery or sale to persons under age 18.

This bill would prohibit the delivery or sale of concealable firearms by dealers if there is reasonable cause to believe, or notification, that they were felons, persons convicted of violent use of a firearm, narcotic addicts, and persons prohibited from owning concealable weapons on the basis of their mental condition, and would prohibit delivery or sale to persons under age 21.

Existing law prohibits delivery of a concealable firearm by a dealer unless the purchaser is personally known to the dealer or presents clear evidence of identity.

This bill would define "clear evidence of identity."

The bill would make related changes concerning the registration and submission of

information by dealers to the Department of Justice for the purpose of determining whether a person is in one of the prohibited classes and in provisions relative to the payment of a fee by the dealer to the department.

Existing law provides for payment of a specified fee upon application to engage in certain conduct relative to a sawed-off shotgun, destructive device or tear gas, and provides for the issuance of a permit or license to engage in specified conduct relative to a machinegun.

This bill would provide instead for a fee not to exceed the application processing costs of the Department of Justice, and would provide for renewal of the fee after one year and would impose other requirements relative to the making of applications, in those cases.

Under existing law, fees for the issuance of a tear gas sales license are appropriated to the support of the Department of Justice.

This bill would delete that appropriation

The bill would specify, with respect to certain fees, that after the Department of Justice establishes fees sufficient to reimburse the department for processing costs, the fees shall increase at a rate not to exceed the legislatively approved annual cost-of-living adjustments for the department's budget.

Existing law contains prohibitions relative to the specified furnishing of a deadly weapon to, and the ownership, possession, custody, or control of firearms by, a mental patient.

This bill would apply the prohibition, relative to furnishing of deadly weapons to mental patients, to firearms and other specified weapons

Existing law prohibits possession, custody, or control of a firearm by persons found not guilty by reason of insanity. Existing law also prohibits that conduct by other specified persons on the basis of the mental condition of the person, except where the person has been issued a specified certificate by the medical director of a state hospital and has not subsequently been adjudicated a danger to others due to mental disorder or illness.

This bill would provide an exemption from the prohibition for persons found to have recovered their sanity, would include persons found mentally incompetent to stand trial within those provisions, and would provide for the issuance of the certificate by a court rather than the medical director.

The bill would include various provisions regulating access to firearms by persons placed under conservatorship

The bill would make related changes relative to recordkeeping and identification of those persons.

The bill would create a state-mandated local program by changing the definition of a crime.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would appropriate \$15,000 to the Controller for allocation and disbursement to local agencies and school districts for the purposes of the bill

This bill would incorporate additional changes proposed by SB 2248, to become operative if both bills are chaptered and this bill is chaptered last

Ch 1563 (SB 1940) B. Greene. Ridesharing.

(1) Existing law exempts from the payment of various filing fees charged by the Secretary of State a nonprofit mutual benefit corporation formed for the sole purpose of operating a single ridesharing vanpool vehicle, as specified, under an arrangement in which ridesharing is incidental to another purpose of the driver.

This bill would reduce the present limit on the size of a qualifying vehicle from 8 to 7 persons.

(2) Existing provisions of the Personal Income Tax Law and the Bank and Corporation Tax Law provide employers with a 20% credit for the cost incurred for leasing or contracting for various specified vehicles provided as part of an employer-sponsored ridesharing incentive program, as defined. The credit is based on annual payments and is applied over the term of the lease

This bill would base the amount of this credit on the total payments to be made under the lease or contract and require the credit to be taken in the tax year in which the vehicles are first leased or contracted for and placed in service. The bill would also reduce the present limit on the size of certain qualifying vehicles from 8 to 7 persons.

(3) Existing provisions of the Personal Income Tax Law, by reference to provisions of the Internal Revenue Code of 1954, exclude from gross income the value of qualified transportation, as defined, provided by an employer.

This bill would, in addition, exclude from gross income for taxable years 1981 to 1985, inclusive, compensation or any other benefit, except salary or wages, received by an employee from an employer for the actual costs of participation in various specified ridesharing arrangements in California.

(4) Existing provisions of the Personal Income Tax Law provide for certain deductions from taxable income for the cost of participation by the taxpayer or his or her dependent in specified transportation programs.

This bill would repeal those deductions.

(5) Existing provisions of the Bank and Corporation Tax Law provide an ordinary and necessary business expense deduction for various specified expenditures in connection with subsidizing specified ridesharing activities of employees, as defined.

This bill would reduce the present limit on the size of certain qualifying vehicles from 8 to 7 persons.

(6) This bill would express the intent of the Legislature that the moneys generated by the repeal of the provisions referred to in (4) above be utilized for the purposes of augmenting support for the tax credits referred to in (2) above.

(7) This bill would take effect immediately as a tax levy.

Ch 1564 (SB 380) Montoya. Garment manufacturing

Existing law requires persons seeking to register with the Labor Commissioner as a garment manufacturer to complete a registration form and provide documentation that a current workers' compensation insurance policy is in effect for employees.

This bill would additionally require persons seeking registration for the first time, on or after January 1, 1985, to pass an examination demonstrating knowledge of the laws and regulations concerning garment manufacturing, and would require the Labor Commissioner to charge a fee which is sufficient to pay for costs incurred in administering the examination to persons taking the examination. The commissioner would be permitted to require applicants for renewal of registration who, in the preceding year, have been found to be in violation of specified provisions of law, to take the examination.

The bill would also provide that, as a condition of initial registration, or for renewal of registration, a statement must be made to the commissioner concerning the applicant's character, competency, responsibility, and the manner and method by which the person proposes to engage in the business of garment manufacturing.

The bill would also require persons cited and penalized for violating specified garment manufacturing laws within the past 3 years to deposit, or have on file, a surety bond which the commissioner deems sufficient and adequate to insure future compliance, not to exceed \$5,000, usable for the benefit of the applicant's employees.

Existing law provides that garment manufacturing includes preparing any garment or any article of wearing apparel designed or intended to be worn by an individual for sale or resale.

This bill would specify that garment manufacturing includes preparing accessories, including clothing, hats, gloves, handbags, hosiery, ties, scarfs, and belts for sale or resale.

Existing law requires the Labor Commissioner to fix an initial registration fee for a garment manufacturer which shall not exceed \$100, and a renewal registration fee which shall not exceed \$75.

This bill would instead require the Labor Commissioner to fix these fees at an amount not more than \$150 for an initial registration and not more than \$100 for a renewal registration.

The bill would require the commissioner to deposit \$25 of the amount received from each initial or renewal registration fee in a separate account to be disbursed by the commissioner to persons determined by the commissioner to have been damaged by any registrant, and would require that the remainder of the registration fee be applied to costs incurred by the commissioner in administering the garment manufacturing regis-

tration law .

Under existing law, any garment manufacturer who contracts with another garment manufacturer who is not registered with the Labor Commissioner is deemed an employer and is jointly liable with the unregistered garment manufacturer for any violation of specified laws governing garment manufacturing.

This bill would, in addition, deem that any garment manufacturer who contracts with another garment manufacturer who does not have a bond on file with the commissioner, when one is required, is also deemed an employer and is jointly liable with the garment manufacturer.

This bill would impose a state-mandated local program by providing that it shall be illegal for any registered garment manufacturer contracting with another registrant to engage in any business practice which causes or is likely to cause a violation of specified laws governing garment manufacturing.

Existing law permits the imposition of a civil penalty of \$50 for each affected employee for an initial violation and \$100 per affected employee for subsequent violations for violation of specified provisions.

This bill would increase these penalties to \$100 for each affected employee for an initial violation and \$200 for each affected employee for subsequent violations.

Existing law requires the Labor Commissioner to establish procedures for mandatory arbitration of pricing and product quality disputes arising out of written contracts between garment manufacturers and contractors.

This bill would, in addition, specify that the commissioner shall have authority to investigate and mediate pricing and quality disputes arising out of written contracts between garment manufacturers and contractors.

This bill would appropriate \$300,000 from the General Fund to the Labor Commissioner for enforcement of the garment industry labor laws during the 1984-85 and 1985-86 fiscal years.

This bill would state the intent of the Legislature that any increased revenues resulting from increased civil penalties pursuant to this act be used for increased enforcement by the Labor Commissioner of the labor laws in the garment industry.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1565 (SB 2224) Boatwright. Bank and Corporation Tax Law: penalties.

Existing Bank and Corporation Tax Law imposes a penalty, based on federal law, for the substantial understatement of liability for bank and corporation franchise tax or corporation income tax assessed under it.

This bill would limit the imposition of the penalty to those cases where the understatement is attributable to the use of an abusive tax shelter, as specified.

The bill would take effect immediately as an urgency statute.

Ch 1566 (SB 1832) Seymour. Independent living centers: matching funds.

Existing law provides for the maintenance of existing, and the development of new, independent living centers to provide services to disabled individuals, as defined, to assist them in achieving social and economic independence. Additionally, the department would be required, in conjunction with independent living centers, and upon completion of public hearings, to annually develop a plan to make independent living center services available to any of its clients assessed as being in need of independent living center services. This plan would be submitted to the Legislature on or before October 1, 1985, and October 1 of each year thereafter, and would contain specified information.

This bill would also appropriate \$750,000 in addition to the amount appropriated in the Budget Act for independent living centers for the purpose of providing a base allocation to independent living centers and public funds to match private contributions to independent living centers, as specified.

The bill would also provide for a funding formula for providing a base allocation to independent living centers and for the matching of private contributions with state funds for fiscal years subsequent to the 1984-85 fiscal year, subject to the funds appropriated by the Legislature.

This bill would take effect immediately as an urgency statute.

Ch 1567 (SB 1699) Johnson. Vehicles: minimum tire tread

(1) Existing law specifies minimum tread depths for tires sold for use on, or used on, the highways. For this purpose, existing law does not differentiate among the various types of vehicles.

This bill would enact special tire-tread-depth requirements for motortrucks, truck tractors, and buses subject to specified safety regulations of the Department of the California Highway Patrol. The bill would also enact special tread-depth requirements for snow tires used in tire chain control areas in lieu of tire chains. Insofar as the bill would affect local agencies or school districts, it would impose a state-mandated local program

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) The bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch 1568 (AB 3104) Naylor. Schools: Peninsula Academies model program.

Under existing law, the Sequoia Union High School District conducts the Peninsula Academies model program

This bill would make various findings regarding that program. Commencing with the 1984-85 fiscal year, from funds appropriated for that purpose, this bill would require the Superintendent of Public Instruction to provide apportionments, as specified, to high school districts meeting specified eligibility criteria, for purposes of establishing not more than 10 academies under the Peninsula Academies model program and, commencing with the 1985-86 fiscal year, to the Sequoia Union High School District for each of the academies maintained under the Peninsula Academies model program

This bill would require the Educational Technology Committee to assist the superintendent, as specified.

This bill would require the State Department of Education to evaluate the Peninsula Academies model program and report to the Legislature regarding specified issues 2 years after the effective date of this bill

This bill would appropriate \$250,000 to the Superintendent of Public Instruction for the purposes of this bill

This bill would appropriate \$70,000 to the Sequoia Union High School District for purposes of meeting the costs of employing industry consultants to provide instruction at each of the academies maintained by the district under the Peninsula Academies model program.

This bill would take effect immediately as an urgency statute

Ch 1569 (AB 3313) Moore. International trade

Existing law provides for a California State World Trade Commission with specified duties concerning the expansion of international trade and international tourism as it relates to California.

This bill, in addition to the above existing law, would make legislative findings and declarations concerning international trade and would require the commission to conduct a study of the feasibility and desirability of the state establishing one or more

overseas trade offices for specified purposes and to report thereon, as specified, to the Legislature by June 30, 1985

This bill would appropriate \$30,000 from the General Fund to the commission for the purposes of this bill

Ch. 1570 (AB 3658) Connelly. Alcoholic beverages escrow holder

Existing law requires that the purchase price or consideration for the transfer of a business or license to sell alcoholic beverages be placed in escrow. It establishes a priority as to creditors with regard to payment if the purchase price or consideration is not sufficient to pay the claims in full. Payment of claims of a landlord for past due rent are placed in the 3rd priority

This bill would delete that priority designation and instead place landlords in the 6th priority, a priority which is also applicable to the payment of claims for goods sold and delivered to the transferor for resale at the licensed premises and to the payment of claims for services rendered, performed, or supplied in connection with the operation of the licensed premises.

This bill would amend Section 24074 of the Business and Professions Code to incorporate the changes proposed by both this bill and SB 1778, if both bills are enacted and become effective January 1, 1985, and this bill is enacted last.

Ch. 1571 (AB 3520) Campbell Occupational safety and health safety standards.

Existing law requires the Occupational Safety and Health Standards Board within the Department of Industrial Relations to adopt, amend, or repeal occupational safety and health standards and orders

This bill would require the Division of Occupational Safety and Health to enter into a contract for the development and execution of tests to define safety standards for the use of positive pressure, closed circuit, breathing apparatus in interior structural fires, and would require the standards board to adopt safety standards based on the results of these tests

This bill would require the Cal-OSHA Self Contained Breathing Apparatus Advisory Committee to determine the test parameters, the location where the testing will take place, and the level of expertise required

This bill would appropriate \$40,000 from the General Fund to the division for the purposes of the bill

Ch. 1572 (AB 3889) Tucker Medi-Cal.

Existing law requires the State Department of Health Services to secure a toll free phone number for the use of pharmacists and other providers of Medi-Cal services in requesting prior authorization for those services

This bill would require the department to provide access for providers to an individual knowledgeable in the program to provide Medi-Cal providers with information regarding available services by a toll free phone number, and would require the toll free phone number to be operated 24 hours a day, 7 days a week

The bill would appropriate \$162,527 from the General Fund to the Health Care Deposit Fund in order to implement the above provision

Under existing law, prior authorization may be used as a utilization control for Medi-Cal services

This bill would require the department to publicize and continue to develop criteria for deciding upon whether or not to grant prior authorization requests for major categories of treatment. It would also provide for the review of determinations made by the department

This bill would also require the department to develop a list of objective medical criteria that indicate when authorization should be granted, and to grant automatically any request meeting the criteria unless approval is contraindicated by medical information. The bill would also require the department to submit to the Legislature, every three months, its treatment authorization request status report

Ch 1573 (AB 3341) McAlister Family law insurance

Existing law authorizes a court, in a judgment decreeing the dissolution of a marriage or legal separation, to order a party to pay for the support of the other party in an

amount, and for a period of time, that the court deems just and reasonable. The court is required to consider certain specified factors with respect to the circumstances of the parties. Such an obligation is extinguished by the death of the spouse required to make the payment or the remarriage of the supported spouse.

This bill would authorize the court, in determining the needs of the supported spouse, to include an amount sufficient to maintain insurance for the benefit of the supported spouse on the life of the spouse required to make the payment of support, as specified.

The bill would only become operative if AB 3000 is enacted, as specified.

Ch 1574 (AB 2818) Johnston. Arson.

Existing law directs the State Fire Marshal, pursuant to the performance of specified duties, to establish fees for deposit in the California Fire Service Training and Education System Fund.

This bill would rename this fund the California Fire and Arson Training Fund. The statute setting forth the duties of the State Fire Marshal with regard to training standards would be designated the California Fire and Arson Training Act, pursuant to which the State Fire Marshal would be additionally directed to directly sponsor the California Fire Academy System.

Under existing law, persons convicted of specified offenses are required to register, as specified, with the local law enforcement agency in whose jurisdiction they will reside or be temporarily domiciled.

This bill would authorize a sentencing court to impose similar requirements on specified persons convicted of arson or attempted arson, which, however, would apply only for a 5-year period as to first offenders.

This bill would make it a misdemeanor to fail to register, thereby imposing a state-mandated local program.

This bill would also impose a state-mandated local program by requiring local law enforcement officials to perform specified duties in connection with the registration of arsonists.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation and no reimbursement is required by this act for a specified reason.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch 1575 (AB 2476) Konnyu. Income taxation. gain or loss recognition. small business stock.

Existing provisions of the Personal Income Tax Law provide for the recognition of distinct percentages of gain or loss to a taxpayer upon the sale or exchange of small business stock, as defined. For the purpose of those provisions, small business stock is defined as an equity security issued by a corporation which has at the time of acquisition by the taxpayer certain characteristics, including, among other things, that no more than 25% of its gross receipts in the immediate prior income year were obtained from rents, interest, dividends, or sales of assets.

This bill would revise the definition of small business stock for purposes of recognition of gain or loss as it relates to the requirement that no more than 25% of the issuing corporation's gross receipts be derived from specified sources. Specifically, the bill would define small business stock as including an equity security issued by any corporation, other than certain corporations which have liquidated and reorganized, which has derived no more than 25% of its gross receipts from rents, dividends, or sales of assets.

during any of its first 4 income years following incorporation. With respect to all corporations, this bill would exclude from the definition of small business stock an equity security issued by a corporation which, in the income year immediately prior to the taxpayer's sale or exchange of the equity security, either obtained more than 25% of its gross receipts from rents, interest, dividends, or sales of assets or was primarily engaged in the business of holding land.

This bill would incorporate changes to Section 18162.5 of the Revenue and Taxation Code proposed by SB 1497, if both bills are chaptered and this bill is chaptered last.

This bill would take effect immediately as a tax levy. However, its provisions would be applicable in the computation of taxes for taxable years beginning on or after January 1, 1984

Ch. 1576 (AB 2306) Bradley. Sales and use tax exemptions: auditory devices.

The existing Sales and Use Tax Law imposed by the state exempts certain medicines from sales and use taxes, but specifically provides that auditory devices and appliances shall not be included within the definition of "medicines."

This bill would provide that a licensed hearing aid dispenser is a consumer of, and shall not be considered a retailer for purposes of the Sales and Use Tax Laws with respect to hearing aids sold or furnished by him or her.

Counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes. Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes.

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions

This bill would also provide that no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

This bill would take effect immediately as a tax levy, but its operative date would depend upon its effective date.

Ch. 1577 (AB 3989) M Waters. Emergency pesticide application information.

Under existing law, the Director of Food and Agriculture is authorized to establish, maintain, and enforce any quarantine regulations that he or she deems necessary to protect the agricultural industry of this state from pests.

This bill would require the Department of Food and Agriculture, in consultation with the State Department of Health Services, to design and implement a program to provide health effects information, as specified, to persons who reside in areas scheduled to be treated with pesticides on an emergency basis in order to eradicate plant pests. The department would be required to implement the program during 1985 and to report to the Legislature on that implementation by December 31, 1985

Ch. 1578 (AB 3737) Filante. Property taxes

Under existing law, qualified persons 62 years of age or older who own their homes may request postponement of property taxes

This bill would provide that blind and disabled citizens, as defined, who own a residential dwelling, as defined, may apply for postponement of the property taxes in the same manner as qualified persons 62 years of age or older.

The operation of this bill would be contingent upon the adoption of ACA 66 and would apply to property taxes due for the 1985-86 fiscal years and fiscal years thereafter

Ch 1579 (AB 3499) Stirling. Public Employees' Retirement System: 1959 survivor allowances

The Public Employees' Retirement Law presently prescribes 1959 survivor allowances for survivors of members who are not covered by the social security system and who die before retirement

This bill would: increase the amounts of the 1959 survivor allowances for state members and school members, as specified, which increase for school members would impose on school employers additional state-mandated local program costs, increase the amounts of the 1959 survivor allowances for those employees of contracting agencies whose employer elects in the future to make these benefits available to their employees,

as specified, which authorization would impose state-mandated local program costs since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations; require single account pooling for, respectively, the state, school employers, and contracting agencies, as specified, and require the employer contribution rate to be figured using the term insurance valuation method.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

Ch. 1580 (AB 3411) Hauser Judges: expenses

(1) Under existing law, a retired judge assigned to a court is entitled to compensation, as specified, plus necessary expenses for travel, board, and lodging if he is sitting outside the county in which he resides.

This bill would require the payment to a retired judge assigned to sit in the county in which he resides of an allowance for necessary expenses for travel, parking, and board, during any period that he waives compensation other than his retirement allowance, thereby imposing a state-mandated local program.

(2) The bill would also incorporate additional changes to Section 68543.5 of the Government Code proposed by AB 3328, contingent upon its prior enactment.

(3) Article XIII B of the California Constitution and Section 2231 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. The statutory provision also specifies the manner for paying this reimbursement and requires any statute mandating these costs to contain an appropriation to pay for the costs in the initial fiscal year.

This bill would appropriate \$92,000 to the Controller for allocation and disbursement to local agencies and school districts for costs mandated by the state and incurred by them pursuant to this act.

Ch. 1581 (AB 2727) Klehs. Unemployment compensation benefits eligibility. overpayments

Existing law requires the Director of Employment Development to determine the amount of overpayment on unemployment compensation benefits and to take various actions to collect those overpayments.

Existing law also authorizes the Controller to offset any amount due a state agency from a person or entity, against any amount owed to the person or entity by any state agency.

This bill would require the Controller, in conjunction with the Franchise Tax Board, to develop a program, as specified, of multiple offsets with adjustable priorities and the ability to cross-match a social security number. This bill would also authorize the Controller to charge for the costs of administering the program.

This bill would also require annual reports to certain legislative committees from the Franchise Tax Board, the Controller, and the Employment Development Department, beginning July 1, 1985, and ending July 1, 1989.

This bill would appropriate \$495,000 from the General Fund for allocation to the Controller and the Franchise Tax Board, as specified, to carry out the purposes of this bill.

This bill would also provide that the amounts collected for benefit overpayment accounts shall be deposited in the fund from which the overpayment was made and also provide that the costs of collection shall be deposited in the Unemployment Administration Fund.

This bill would take effect immediately as an urgency statute.

Ch. 1582 (AB 3198) Vasconcellos Payment of claims.

(1) This bill would appropriate \$2,722,425.27 from specified funds to the State Board of Control to pay the claims of the Secretary of the State Board of Control as specified.

(2) Existing law provides for the award of attorney's fees, under specified circumstances, to a successful party against one or more opposing parties in any action which has resulted in the enforcement of an important right affecting the public interest.

This bill would require funds appropriated by the bill for payment of these fees to be expended only in accordance with certain provisions of the Budget Act of 1984, except as specified.

(3) This bill would take effect immediately as an urgency statute.

Ch 1583 (AB 3521) Wyman Department of Aeronautics air transportation study and report appropriation.

(1) Existing law requires the Department of Transportation to report to the legislature at the commencement of each regular session on specified topics.

This bill would require the department to include in that report specified items on the status of air transportation programs and issues.

(2) Existing law provides for the transfer of \$2,700,000 from the Aeronautics Account in the State Transportation Fund to the unappropriated surplus of the General Fund.

This bill would require the Controller to transfer \$2,700,000 from the General Fund to the special account established in the Special Deposit Fund, as specified. The transfer would be required to be completed over a 5-year period, commencing January 1, 1985, and would be appropriated to the Department of Transportation for grants and loans.

(3) The bill would incorporate additional changes in Section 14051 of the Government Code made by AB 3579, to be operative only if this bill and AB 3579 are enacted and become effective January 1, 1985, and this bill is enacted last.

Ch 1584 (AB 3781) Sher. Underground storage tanks

(1) Existing law requires that all underground storage tanks installed after January 1, 1984, comply with certain requirements concerning design, construction, monitoring systems, and drainage.

This bill would require that additional tests be conducted on the tank prior to certain uses and would provide that a tank with a primary container constructed with a double complete shell meets the requirements for a primary and secondary containment if specified conditions are met. The bill would also require that a tank which is designed to maintain a water level in the secondary containment be equipped and inspected in a specified manner.

(2) Existing law requires that all underground storage tanks installed on or before January 1, 1984, and used for the storage of hazardous substances have a monitoring system installed before January 1, 1985, and have a means for inspection. Existing law authorizes a local agency to require alternative methods of monitoring. It also authorizes the State Water Resources Control Board to develop regulations specifying monitoring alternatives.

This bill would revise the requirements for the monitoring alternatives, including those for tanks containing motor vehicle fuels.

(3) Existing law authorizes the permitholder of an underground storage tank containing motor vehicle fuel not under pressure to repair the tank, after an unauthorized release from the tank, with an interior-coating process once, if the tank meets specified requirements, including undergoing either an ultrasonic or a hydrostatic test. Existing law also requires that certain installation tests be followed after the repair is made.

This bill would instead require that the tank be tested by an ultrasonic test, certified by a special inspector pursuant to specified criteria, or tested by using a test approved by the board. The bill would additionally require the tank to be tested by a specified precision test and would delete the requirements for the installation tests. The bill would permit the board to include an interior-coating bonding test requirement in regulations for the repair of those tanks and would require the board, by regulation, to direct that monitoring systems, as defined, be installed when such a repair is made.

(4) Existing law requires every county to implement the provisions specified above regulating underground storage tanks and permits a city to implement these provisions. Existing law exempts certain cities and counties which enacted a specified ordinance prior to January 1, 1984, from requirements concerning the storage of hazardous substances in underground storage tanks and requires these cities and counties to submit

certain forms to the State Water Resources Control Board.

Existing law also requires that a surcharge be included in the fee paid to a local agency by an applicant for an underground storage tank permit, and that this surcharge be transmitted to the board, for specified purposes. The operator of an underground storage tank is also subject to various civil penalties for designated violations.

This bill would permit these civil penalties to be levied and collected additionally by a city or county which is exempt from this chapter, and would, until January 1, 1990, require these exempted local agencies, except for Santa Clara County and every city therein, to collect and transmit this surcharge to the board. The bill would specifically require every city and county to undertake its regulatory responsibilities in these regards without undue delay after the board adopts specified regulations and to implement these provisions by July 1, 1985. The bill would also make conforming changes.

These provisions would become operative only if this bill is enacted after AB 3565.

(5) This bill would incorporate changes to Sections 25284, 25284.1, and 25284.5 of the Health and Safety Code proposed by AB 3565, which would become operative only if this bill is enacted after AB 3565.

(6) The bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(7) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by imposing additional requirements upon cities, counties, and districts which operate underground storage tanks or which administer specified provisions.

The bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

Ch. 1585 (AB 3720) Wyman. Traffic offenses: validity of prior convictions.

(1) Existing law specifies procedures to be followed in a pending criminal action to have declared invalid a prior conviction for driving under the influence of alcohol, drugs, or both, or with a blood alcohol level of 0.10% or more, or while addicted to a drug.

This bill would modify these procedures (a) to require a defendant to provide the court with specified portions of the record of the prior conviction, when available, if the prior conviction was based on a plea of guilty or nolo contendere, (b) to impose a state-mandated local program by requiring these records to be supplied at no cost to defendants represented by the public defender or court-appointed counsel, and (c) to require, with specified exceptions for good cause, that a motion to declare a prior conviction invalid on constitutional grounds be heard at the time of sentencing if the defendant fails to comply with specified notice requirements or requirements for production of the record of the prior conviction. The bill would also make these procedures applicable to motions to invalidate, on constitutional grounds, prior convictions for knowingly driving with a suspended or revoked driver's license and for reckless driving under specified circumstances.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill would amend and renumber Section 23208 of the Vehicle Code to incorporate the changes proposed by both this bill and AB 3833, if both bills are enacted and

this bill is enacted last

(4) The bill would provide that, notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch. 1586 (AB 3328) Johnston Judges' retirement: senior judge status.

The existing statutes presently: (a) provide increased retirement allowances for judges who, among other things, retire on or prior to attaining age 70; (b) require all judges to contribute 8% of their monthly salary to the Judges' Retirement Fund; (c) require that a retired judge who is assigned to a court be compensated at a rate equal to 92% of the full compensation of a judge of that court and that the 8% difference be paid to the Judges' Retirement Fund, (d) authorize service retirement of judges upon attaining specified ages with specified minimums of service credit and a minimum period during which contributions are made by the judge, as specified; and (e) authorize deferred retirement of judges who resign before age 70, with at least 5 years of service, and elect to receive, upon reaching permissible retirement age or as specified, specified retirement allowances and survivors benefits.

This bill would (1) authorize a judge upon filing a notice of retirement effective just prior to age 70 to elect senior judge status which shall continue for a period not to exceed 3 years; (2) require a judge serving on senior judge status to serve full time as assigned up to 3 consecutive years; (3) provide that by accepting senior judge status, a judge waives the right to refuse any assignment as otherwise provided by law; (4) deem such a judge to be retired and provide that the judicial office of such a judge shall become vacant and a successor shall be appointed to fill the vacancy; (5) prohibit a retired judge on senior judge status from receiving a retirement allowance, except health and welfare benefits, as specified; (6) require the senior judge status of a retired judge to be terminated at the end of 3 years from the effective date of retirement or earlier under specified conditions; (7) require a judge who elects senior judge status to be compensated by the state at a rate equal to the full compensation of a judge of the court from which he retired, or, at the judge's election, at a rate equal to the full compensation of a judge of the court to which he or she is assigned; (8) authorize a judge who elects senior judge status to elect, at the time of notice of retirement, to contribute 8% of the salary to the Judges' Retirement System and be credited with that time of service while on senior judge status, (9) make a judge serving on senior judge status eligible for travel, board, and lodging expenses; (10) authorize the Commission on Judicial Performance to investigate the conduct or performance of any retired judge serving on senior judge status pursuant to rules adopted by the Judicial Council and to order that status terminated for incapacity or any failure to carry out the duties of the office; (11) provide that a judge whose senior judge status is terminated may elect to receive the retirement benefits for which he or she was eligible at the time of electing senior judge status, (12) require the payment of any surviving spouse benefit that is payable under applicable provisions of law if the senior judge status is terminated within 3 years by the judge's death; and (13) make related and other changes.

This bill would become operative on July 1, 1985.

This bill would also incorporate additional changes to Section 68543 5 of the Government Code proposed by AB 3411, contingent upon its prior enactment

Ch 1587 (AB 2908) Chacon. Seismic safety. health care facilities.

Existing law, contained in the Hospital Seismic Safety Act of 1982, provides for state regulation of the design and construction of hospital buildings, as defined. Various health facilities are presently exempted from the act. Under that act, the Office of Statewide Health Planning and Development is authorized to establish contractual agreements with local government to facilitate the timely performance of certain review and inspection duties.

This bill would, additionally, exempt from the Hospital Seismic Safety Act of 1982, any building which has been used as a community care facility which was licensed as a residential facility or residential care facility for the elderly if certain criteria are met. However, the bill would provide that this exemption extends only to the use of the building as an intermediate care facility in a specified health facilities planning area.

It would also broaden the office's authority to enter into the contracts discussed above, as specified

This bill would also incorporate changes made by AB 3993 in Section 15026 to be operative only if both bills are chaptered and this bill is chaptered last.

This bill would become effective immediately as an urgency statute.

Ch 1588 (AB 2860) Margolin Santa Monica Mountains Conservancy appropriation.

The Santa Monica Mountains Conservancy Act includes hiking and equestrian trail connections and accessways generally following the Rim of the Valley Trail within the boundaries of the Santa Monica Mountains Zone

This bill would appropriate \$750,000 from the Parklands Fund of 1984 to the Santa Monica Mountains Conservancy for recreational facilities along the Rim of the Valley Trail

The bill would take effect immediately as an urgency statute

Ch. 1589 (SB 2052) Hart Public resources: acquisition of real property.

Under the Fish and Wildlife Habitat Enhancement Act of 1984, the Wildlife Conservation Board may acquire, enhance, or develop lands for the preservation of resources and the management of wildlife and fisheries

This bill would amend the Budget Act of 1984 to appropriate specified amounts to the Wildlife Conservation Board for those purposes.

The bill would take effect immediately as an urgency statute

Ch 1590 (AB 3848) Vasconcellos Education: nuclear age education curriculum

Existing law requires certain courses of instruction, and authorizes certain other courses of instruction, to be taught in the public schools

This bill would require the State Department of Education to collect information on current efforts of school districts to provide nuclear age education, and other information relevant to the development of a model nuclear age education curriculum and to report its findings and recommendations to the Legislature by June 30, 1985

Ch. 1591 (SB 1798) Presley Air Pollution: motor vehicle inspection and maintenance program emission warranty public information.

Existing law requires the Department of Consumer Affairs to develop and implement a biennial motor vehicle inspection and maintenance program in urban nonattainment areas. The department is required to license test stations and repair stations and to contract with private entities on a statewide basis for a quality assurance program. The department, among other things, is required to conduct evaluations of the inspection program and to submit periodic written reports to the Legislature

This bill would prohibit the department from issuing a license to a test station or a repair station which is 15 or more miles outside of an urban nonattainment area subject to the program and would delete the above statewide requirement. The bill would require the evaluation of the department to include an evaluation of inquiries from the public regarding emissions system warranties. The department would be required to develop within the Bureau of Automotive Repair a public information program for providing emissions warranty information to motor vehicle owners subject to the biennial motor vehicle inspection and maintenance program.

The bill would appropriate \$250,000† from the Vehicle Inspection Fund to the State Air Resources Board to fund a contract for specified analyses necessary for the reports and recommendations of the independent review committee established to study the effects of the biennial vehicle inspection and maintenance program on vehicle emissions and air quality.

Ch. 1592 (SB 2039) Roberti. Intergenerational education programs

Existing law does not contain any provisions regarding programs to involve senior citizens in projects with elementary and secondary public school pupils.

This bill would require the State Department of Education to administer intergenera-

† Appropriation in Section 4 of chapter deleted by action of the Governor

tional education programs and to establish criteria for the allocation of funds to those programs. This bill would require the department, by January 1, 1985, to evaluate intergenerational education projects administered by the department and in operation prior to January 1, 1985, and to determine whether those projects have been successful and whether they warrant further support

This bill would appropriate \$300,000† from the General Fund to the State Department of Education for intergenerational education programs for the 1984-85 fiscal year, \$165,000 of which would be for funding programs administered by the department which are already in operation, and \$135,000† of which would be for other programs

This bill would take effect immediately as an urgency statute

Ch. 1593 (AB 3761) Costa. Agriculture

(1) Existing law establishes the Agricultural Pest Control Research Account in the Department of Food and Agriculture Fund

This bill would appropriate \$124,000 from the account to the department and would require the department to expend up to that amount to collect loans made from the Ethanol Fuel Revolving Account, to pay pro rata charges assessed to that account, and to prepare a final report on the ethanol fuel program

(2) Under existing law, the Director of Food and Agriculture is generally responsible for the licensing, registration, sale, and use of economic poisons, including ethylene dibromide (EDB), in this state

This bill would require the department to undertake the administration of a program to fund an agricultural pest control research program. The purpose of the program would be to develop alternative methods for agricultural pest control, detection, exclusion, and eradication by funding research projects approved by the director and recommended by a Pest Control Research Committee with a specified membership of 20. The first priority of the program would be research on the development of alternatives to EDB. The program would include the use of peer review panels of 3 scientists who would review proposed projects referred to them by the committee as part of the committee's review process. The committee would be required to submit an annual report on its activities to the director and the Legislature and would also be required to submit a final report on alternatives to EDB as soon as practicable, but not later than December 31, 1988. The program would terminate on January 1, 1989. The bill would appropriate \$1,062,000 from the account to the department to carry out pesticide alternative and exotic pest research and to pay related per diem and mileage costs pursuant to the program.

(3) Existing law authorizes the director to act as adviser for producers and distributors, if requested, and to assist them in economical and efficient distribution of any product at fair prices. Existing law also authorizes the director to gather and disseminate impartial information relating to supply, demand, prevailing prices, and commercial movements

This bill would require the director, during 1985, in consultation with specified agencies and persons, to collect, analyze, and disseminate statistics and other information which relate to the marketing of farm products at certified farmers' markets, in a specified manner. The statistics and other information would be disseminated weekly. The director would thereafter be required to survey markets and producers to determine the need and effectiveness of the information that was provided.

The bill would require the director to report the findings of the survey to the Assembly Committee on Agriculture and the Senate Committee on Agriculture and Water Resources on or before January 1, 1986.

The bill would appropriate \$50,000†† to the department to carry out the survey costs

Ch. 1594 (AB 2185) Konnyu. Governmental audits: Auditor General: audit expenses.

(1) Existing law establishes the office of the Auditor General to audit the revenues and expenditures of state agencies and provides for its operation and maintenance

† Appropriation in Section 4 of chapter reduced to \$165,000 by deleting appropriation in subdivision (b) of \$135,000 and language in subdivision (c) by action of the Governor

†† Appropriation in Section 6 (b) of chapter deleted by action of the Governor

† This bill would establish the Auditor General Fund in the State Treasury, which would be continuously appropriated for the expenses of the Auditor General. The bill would provide for various transfers to the fund during the 1984-85 fiscal year from various specified sources. The bill would also provide for transfers from the General Fund to the Auditor General Fund in fiscal year 1985-86 and fiscal years thereafter and for reimbursement of the General Fund of a portion of the amounts transferred from various sources.

(2) This bill would take effect immediately as an urgency statute

Ch. 1595 (AB 3897) Naylor. Alternative energy sources

The Warren-Alquist State Energy Resources Conservation and Development Act provides for, among other things, development of various sources of energy in the state.

This bill would require the State Energy Resources Conservation and Development Commission to make loans and would authorize the commission to provide contract research funding, as defined, for the purposes of making energy technologies more efficient and cost-effective and to develop new cost-effective alternative sources of energy, as defined. The bill would create the Energy Technologies Research, Development, and Demonstration Account in the General Fund for these purposes, and would provide for depositing of money in the account from various designated sources for use by the commission for financing energy research, demonstration, or development projects in accordance with the provisions of the bill. The bill would provide for selection of recipients and for the repayment of the loans with specified interest. The bill would require the commission to prepare and submit a prescribed report to the Legislature on or before January 1, 1990.

†† This bill would appropriate and transfer \$6,000,000 to the account, of which \$1,000,000, for the 1984-85 fiscal year, and \$5,000,000, for the 1985-86 fiscal year, would be from the Energy Resources Programs Account in the General Fund for use by the commission for purposes of carrying out the provisions of the bill

In the event that all or part of the \$1,000,000 appropriation from the Energy Resources Programs Account for the 1984-85 fiscal year is unavailable, the balance of the appropriation would be made from the General Fund, not to exceed \$1,000,000 from both sources during the 1984-85 fiscal year.

The provisions of the bill would be repealed on January 1, 1995.

Ch. 1596 (SB 2262) Marks Displaced Homemaker Emergency Loan Act.

Existing law does not provide for displaced homemaker emergency loans.

This bill would make legislative declarations and would enact the Displaced Homemaker Emergency Loan Act, which would be an emergency loan program pilot project in the Counties of Marin, San Francisco, and Alameda designed to assist displaced homemakers, as specified

The bill would require that the act be administered by the Commission on the Status of Women

In addition, the bill would establish within the State Treasury the Displaced Homemaker Emergency Loan Fund, which would be continuously appropriated for the purposes of the act. The bill would also appropriate \$1,100,000††† to the fund from the General Fund for the purposes of the act and for administrative costs, as specified.

The provisions of this bill would remain in effect only until January 1, 1989

Ch. 1597 (SB 2003) Royce. Youth: foster children

(1) Existing provisions of the California Community Care Facilities Act define and differentiate various categories of community care facilities. One such type of community care facility is a foster family home. Existing state policy is to facilitate the proper placement of every child in residential care facilities where the placement is in the best interests of the child and existing law requires the placement agencies to actively seek out-of-home care facilities capable of meeting the varied needs of the child.

This bill would, instead, authorize a county to require the placement or licensing

† Appropriation language in Section 4 of chapter deleted by action of the Governor

†† Appropriation language in Section 25690, Public Resources Code, deleted by action of the Governor

††† Appropriation in Section 2 (a) of chapter of \$1,000,000 deleted by action of the Governor

agencies, or both, to seek the out-of-home care facilities.

The bill would also require the State Department of Social Services to authorize county welfare departments to undertake comprehensive foster family home recruitment programs, as specified, and would require the director of the county welfare department to ensure that the licensing agent conducts home interviews with the prospective foster parent under the conditions specified in this bill prior to the issuance of a foster family home license. In this respect the bill would contain a state-mandated local program.

(2) Existing law provides for the Foster Children and Parent Training Fund, and specifies the exclusive uses of the moneys in that fund, which include up to \$500,000 for foster parent training programs conducted in community colleges. These provisions are to remain in effect only until January 1, 1987, and as of that date are repealed.

This bill would increase the amount for the foster parent training programs to \$1,000,000. It would also delete the language which would repeal the provisions relating to the fund and the foster parent training programs January 1, 1987, thereby continuing these provisions in effect indefinitely.

(3) The bill would appropriate the sum of \$5,600,000† to the Controller for allocation to the State Department of Social Services for purposes of the bill, as specified.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would include in its appropriation to the State Department of Social Services, a specified sum to reimburse counties for the costs imposed on them pursuant to this act.

Ch. 1598 (AB 2909) Wyman Health.

(1) Under existing law, the annual license fee for health facilities is based on the number of licensed beds and is adjusted annually in the annual Budget Act.

This bill would require the State Department of Health Services to prepare staffing and systems analyses prior to the establishment and adoption of the annual fee.

(2) This bill would require the department to develop and implement continuing orientation and in-service training programs for state personnel enforcing state laws relating to long-term health care facilities. The department would also be required to establish and maintain a program review of its licensing and certification field offices.

(3) Under existing law, there is an advisory board to make recommendations and serve as consultants to the department.

This bill would eliminate the advisory board and instead create a Health Care Advisory Committee to serve in that capacity to the department.

(4) Existing law prescribes certain licensure and other regulatory requirements for health facilities, including long-term health care facilities, as defined. Except as provided in existing law, generally, a person who violates these requirements is guilty of a misdemeanor and upon conviction is subject to a fine not to exceed \$1,000 or by imprisonment in the county jail for a period not to exceed 180 days, or by both such fine and imprisonment.

This bill would provide that any person who willfully, as defined, and repeatedly violates these requirements and other requirements specifically enumerated concerning the operation or maintenance of a long-term health care facility, as defined, is guilty of a misdemeanor and upon conviction is subject to a fine not to exceed \$2,500 or by imprisonment in the county jail for a period not to exceed 180 days, or by both such fine and imprisonment.

The bill would set forth factors a court would be required to consider when determining the punishment under this provision.

(5) Under the existing Long-Term Care, Health, Safety, and Security Act of 1973, citations are provided for certain classes of violations by the health facilities. Any person may request an inspection of the facility upon a written complaint.

† Appropriation in Section 5(a) of chapter of \$4,600,000 deleted by action of the Governor.

This bill would be a state-mandated local program by requiring each of these facilities, which would include a county facility, to establish and maintain a patient-oriented council. It would provide certain sanctions for a failure to provide such a council. This bill would authorize every person to request an inspection of the facility orally, as specified

(6) This bill would require all long-term health care facilities to report to the department any changes in the nursing home administrator and nursing services and would thereby impose a state-mandated local program to the extent this would apply to local agency operated facilities. It would permit the department to conduct specified inspections in this event

(7) Existing law does not require the department to submit to the federal Department of Health and Human Services a request to supplement a 3-year pilot program designed to lessen the predictability of the long-term health care facility inspection process.

This bill would require the department to do so on or before July 1, 1985, prescribe 2 components of the pilot program, require an analysis of both components by the department at the conclusion of the pilot program, make implementation of the pilot program contingent upon federal approval, and require specified reports to the Legislature.

(8) This bill would delete provisions relating to class "A" and class "B" violations and penalties and establish new class "AA," "A," and "B" violations and penalties. This bill would also establish as a violation the willful material falsification or willful material omission in the health record for a patient of a long-term health care facility. It would make a violation of patient rights, as defined, a class "B" violation, except, as specified

(9) This bill would provide that the failure of licensed health care facility records to reflect the administration of medication, treatment, or other care, gives rise to a rebuttable presumption that the care was not provided.

(10) Under the Long-Term Care, Health, Safety, and Security Act of 1973, each citation of a class "A" violation is required to be posted in the facility.

This bill would require, upon the implementation of an automated information system as required by the bill, the department to inform the news media once each quarter of all facilities which have no class "AA," class "A," or class "B" violations

(11) This bill would also revise provisions prohibiting a licensee from discriminating or retaliating against a patient or employee presenting, initiating, or cooperating in a complaint against the long-term health care facility

(12) The bill would require the department to implement an automated information system and a consumer information system relating to long-term health care facilities.

(13) Under existing law, the department administers the Medi-Cal program.

This bill would require the department to require all long-term health care facilities to include certain information relating to participation in the Medi-Cal program in admission agreements

This bill would create a state-mandated local program by providing that the State Director of Health Services shall adopt regulations, which shall be effective March 15, 1985, to provide for increases in payment rates for certain long-term health care facilities providing Medi-Cal services to be used to implement wage increases and benefit increases provided under the bill and for specified increases in staff and service hours for these facilities required by the bill. It would provide a procedure for certifying the expenditure of these funds and sanctions for failure to do so, as specified

(14) This bill would revise existing provisions of law respecting inspections to provide incentives for facilities with no class "AA," class "A," or class "B" violations in a specified time period and to provide certain disincentives to facilities with repeated serious problems as specified.

(15) This bill would appropriate \$8,015,000 to the Controller for allocation to the State Department of Health Services, as specified, for costs incurred in the 1984-85 fiscal year in implementing its provisions concerning Medi-Cal reimbursement rate increases and training grant provisions

The bill would provide that State Department of Health Services shall in its budget proposals for fiscal year 1986-87 provide for the creation of 12 auditor positions within the State Department of Health Services, and would specify that these positions would be created for specified purposes relating to the implementation of Medi-Cal program

provisions concerning long-term health care facilities

(16) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(17) This bill would provide that, notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

It would also provide that its provisions shall not become operative, unless SB 1342, SB 1345, SB 1346, SB 1558, SB 1921, AB 2261, and AB 2263, are all chaptered and become effective on or before January 1, 1985

Ch. 1599 (AB 2733) Moorhead Alzheimer's Disease Task Force.

Under existing law, numerous provisions relate to protecting the health of the general public

This bill would require the Department of Aging to establish an Alzheimer's Disease Task Force, consisting of no more than 11 members from specified categories of persons. The task force would be required to provide guidance to the department in the development of training programs and media resources packages, provide guidance with regard to the needs and priorities of persons suffering from Alzheimer's disease or related disorders, and the families of those persons, and to convene a statewide conference, in conjunction with the Department of Aging, on the subject of Alzheimer's disease

This bill would appropriate \$150,000† to the Department of Aging to be expended over 3 fiscal years in a specified manner for the support of the Alzheimer's Disease Task Force and the statewide conference

Ch. 1600 (SB 1337) Mello. Adult day health care

Existing law provides for the adult day health care program, which is administered by the State Department of Health Services.

This bill would provide for the transfer, for no longer than 3 years, of primary responsibility for the adult day health care program to the Department of Aging. The Director of the Department of Aging would be required to establish a distinct organizational entity within the department to administer this program

The bill would provide that the duties to be transferred to the Department of Aging are those performed by the Office of Long-Term Care and Aging on June 30, 1984.

Existing law also provides for a committee to be established by the State Director of Health Services to review the adult day health care program

This bill would instead provide that, during the period of the transfer of program responsibility, this committee shall be established in the Department of Aging, and would specify various representatives who would be appointed to the committee

Under existing law, the State Department of Health Services is authorized, subject to the availability of funding, to conduct a grants-in-aid program for the establishment of new adult day health centers which have been licensed by a specified date. Current law permits the department, if sufficient funds are available, to use program funds to assist in local planning efforts for adult day health care. Existing law appropriates to the State Department of Health Services, without regard to fiscal year, \$350,000 to provide grants and defray administrative expenses for the above purposes

This bill would delete the authorization relating to the use of program funds to assist in local planning. The bill would make various changes in the factors given primary consideration when the Department of Aging develops policies and priorities pertaining to the allocation of grant funds. The bill would also delete the requirement that the Department of Aging consult local adult day health care planning councils in adopting

† Appropriation in Section 2 of chapter deleted by action of the Governor

specific guidelines for the establishment of grant-supported activities and would delete the authorization of the director to waive all or a portion of the required grantee fund match in individual cases of demonstrated financial hardship. This bill would appropriate \$1,000,000, in addition to the \$350,000 already appropriated, to the State Department of Health Services to be transferred to the Department of Aging for grants and to defray administrative costs.

This bill would also require the Department of Aging through the Office of Long-Term Care and Aging within the department to establish a program to encourage the establishment of day care-resource centers for individuals with Alzheimer's disease, and diseases of a related type, as defined, particularly for those in the moderate to severe range. In order to accomplish this, the bill would:

- (1) Appropriate \$450,000† annually for 3 fiscal years for specified purposes of the bill
- (2) Require the department to establish an advisory committee to make recommendations with respect to grants
- (3) Establish procedures for making applications for grants.
- (4) Require the department to report on the progress on specified matters to the Legislature on or before December 1, 1986, and annually thereafter

This bill would require the Department of Aging to assume programmatic responsibility for certain outreach and public information dissemination, to establish a specified Alzheimer's Task Force of specified composition and duties and to contract to develop a training module to deal with patients with the specified diseases.

Existing law provides that state and federal funds for services to the elderly are administered by the Department of Aging, in conjunction with area agencies on aging.

The bill provides that by July 1, 1985, the department shall implement a new intrastate funding formula, in accordance with federal law and specified criteria, for allocation of these state and federal funds

The bill would provide that certain of its provisions would become effective on a retroactive basis to July 1, 1984.

This bill would take effect immediately as an urgency statute and become operative July 1, 1984.

Ch. 1601 (AB 2225) Felando Health: Alzheimer's disease

Under existing law, the State Department of Health Services administers various grant programs related to health services.

This bill would permit postsecondary higher educational institutions with medical centers to establish diagnostic and treatment centers for Alzheimer's disease, and would require the State Department of Health Services to administer grants to those post-secondary higher educational institutions which establish these centers. The department would also be required to administer a grant program for research for a cure for Alzheimer's disease. The bill would require the department to establish criteria for grant requests and program evaluation. The bill would appropriate \$4,000,000‡ for the purpose of grants for the above diagnostic centers and research, would require that grants be reduced by the amount of available federal funds, and would prohibit a grant from exceeding 25% of the total funds appropriated for these grants in the 1983-84 Regular Session of the Legislature

Ch. 1602 (AB 2514) Bates Education: child care and development services: job training programs school facilities

(1) The Child Care and Development Services Act requires specified resource and referral services to be provided to serve a defined geographic area

This bill would require the Superintendent of Public Instruction to designate a child care resource and referral program to serve the defined geographic area in Alameda County consisting of the Cities of Albany, Alameda, Berkeley, Emeryville, Oakland, and Piedmont, and would provide for a selection process and criteria if the superintendent determines that more than one resource and referral program exists in that area

The bill would require the superintendent to reallocate any funds made available through nonrenewal of a contract for resource and referral services for purposes of

† Appropriation in Section 156821, Health and Safety Code, deleted by action of the Governor

‡ Appropriation in Section 2 of chapter reduced to \$1,000,000 by action of the Governor

providing nonduplicative child development services in the manner he or she determines most appropriate. The bill would specify that satisfactory contract performance by a resource and referral program shall be a condition for the renewal of that contract in the subsequent fiscal year.

(2) Under the Child Care and Employment Act, the funding for each local service delivery area's child care and employment fund is required to include funds from certain specified sources. One specified source is the funds designated for child care by the private industry council established pursuant to specified provisions of law. A minimum of 75% of the cost of care for every recipient of job training or placement services funded through the area's federal Job Training Partnership Act (P.L. 97-300) appropriation is required to be paid from that source of funds. A second source is social services funds appropriated pursuant to a specified provision of the Budget Act of 1983. Another designated source is general funds replaced by payments to recipients of Aid to Families with Dependent Children for child care, as specified.

This bill would lower the minimum percentage of the cost of care for every recipient of the above-described services which must be paid with funds designated for child care by the private industry council to 50%.

This bill would replace the second specified source described above with social services funds appropriated to the State Department of Social Services for purposes of funding child care and employment funds, and would specify the conditions under which these funds shall be available.

This bill would also require these social services funds to be available effective the date that the child care and development fund is established.

This bill would replace the third designated source described above with certain funds designated for, and disbursed by, the State Department of Education to local child care and employment funds, as specified.

(3) Under current law, the provisions of the Child Care and Development Services Act which establish an administrative appeal procedure for the resolution of disputes between the State Department of Education and local agencies which contract with the department to provide child care and development services or related supplies and services are scheduled to be repealed June 30, 1985.

This bill would render those provisions inoperative on June 30, 1986, and would repeal them on January 1, 1987.

(4) Existing law requires the Superintendent of Public Instruction to establish regulations for the collection of payments for child care and development services from families receiving benefits under the Aid to Families with Dependent Children (AFDC) program. Current law also specifies that the child care and development agency collecting the fees under the regulations shall be entitled to keep 10% of the fee to defer the costs of collection.

This bill would, instead, require the superintendent to establish a separate fee schedule for collecting child care fees from recipients of benefits under the AFDC program who have outside income, as specified. The bill would prohibit implementation of the fee if the superintendent determines that charging and collecting the fee would result in a significant loss in spendable income to the family.

This bill would entitle the child care and development agency collecting the fee to keep an amount not to exceed 50% of the amount collected for purposes of serving additional eligible children. The bill would require the agency to remit the balance of the amount collected to the State Department of Education. The department would be required to use these funds to reimburse the State Department of Social Services and county welfare departments for any increase in costs of the AFDC program caused by implementation of these provisions. The bill would then require the department to disburse any balance remaining to local child care and employment funds, as specified.

(5) Under current law, by April 1 of each year, the Department of Finance is required to transfer an amount equal to the amount collected for child care and development services from families receiving AFDC benefits from the amount appropriated from the General Fund to the State Department of Education for child care according to specified priorities.

This bill would repeal that requirement.

(6) Under current law, the local child care and employment fund is required to serve the purpose of providing child care services for the children of participants in specified

programs established pursuant to the federal Job Training Partnership Act

To the extent funding is available, this bill would require children referred by private industry councils to be provided child care necessary to permit their parents to participate in those programs, notwithstanding specified eligibility and need criteria or specified admission priorities

(7) Existing law prohibits, with certain exceptions, the use, after June 30, 1975, of school buildings which do not conform to the structural standards of the so-called Field Act

This bill would permit the governing board of the Palo Verde Community College District to continue to use the Palo Verde College Child Development Center for a period of 2 years after the effective date of this bill, and would exempt these facilities from the provisions of the so-called Field Act during the period of use authorized by this bill

(8) This bill would permit the Superintendent of Public Instruction to receive reimbursement, subject to the approval of the Department of Finance, for administrative and program development costs of implementing the provisions of the Education Code governing child care and development services for participants in job training programs and the provisions of this bill described in item (4) above, from funds appropriated to the Department of Social Services pursuant to specified provisions of the Budget Act of 1984.

(9) In the Budget Act of 1984, the Legislature appropriated to the State Department of Education \$1,898,000 for preschool education and \$13,647,000 for child care services. These amounts were reduced by the Governor

This bill would appropriate† the amounts necessary to restore funding for preschool education and child care services to the level originally contained in the Budget Act of 1984, prior to the Governor's reduction of those amounts

(10) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would impose a state-mandated local program by requiring local child care service delivery areas to use specified funds to meet certain costs of providing child care services to recipients of certain federally funded job training and placement programs

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(11) This bill would take effect immediately as an urgency statute

Ch 1603 (AB 3138) Statham Child care and development

(1) Under existing law, child care resource and referral programs may be operated by public or private entities

This bill would state the intent of the Legislature to expand child care resource and referral programs to unserved and underserved counties. This bill would appropriate funds for this purpose and to provide startup training and technical assistance for newly funded or expanded programs

(2) Under existing law, state and federally subsidized child care and development services are allocated to eligible families according to a specified system of priorities

This bill would permit the Superintendent of Public Instruction to waive or modify child development requirements in order to enable child development programs to serve combinations of eligible children in areas of low population

(3) This bill would appropriate \$4,000,000†† for the purpose of funding child care and development programs, as specified

(4) This bill would also require that, notwithstanding specified provisions of existing law, the first \$1,000,000 of unearned contract funds which remain unspent by child development agencies at the close of the 1983-84 fiscal year after the Superintendent of Public Instruction has paid all accounts, shall revert to the unappropriated surplus of

† Appropriation in Section 8 of chapter deleted by action of the Governor

†† Appropriation in Section 5 of chapter reduced to \$1,500,000 by deleting appropriations in Schedules (b), (c) and (d) by action of the Governor

the General Fund.

(5) This bill would appropriate \$7,641,000† to the State Department of Education for allocation for preschool education and child care services, in augmentation of the amounts appropriated for those programs by the Budget Act of 1984. This bill states the legislative intent to restore funding for those programs to the level contained in the Budget Act of 1984 prior to the Governor's reduction of those amounts.

(6) This bill would take effect immediately as an urgency statute.

Ch. 1604 (SB 1674) Rosenthal. Child care and development services.

Under existing law, state and federally subsidized child care and development services are allocated to eligible families according to a specified system of priorities.

This bill would state the intent of the Legislature regarding the expansion of specified child care and development programs.

This bill would change the term "handicapped children" to "children with exceptional needs," for purposes of these programs, and would require that those children and severely handicapped children meet certain criteria established for special education programs.

This bill would authorize the Superintendent of Public Instruction to establish reimbursement rates above the standard reimbursement rate for child care and development programs for children with exceptional needs, and would authorize those programs to serve children with exceptional needs from birth to 21 years of age. This bill would authorize the superintendent to develop regulations establishing separate eligibility criteria and fee schedules for these programs.

This bill would revise the provisions for adjustment of reimbursement rates for agencies reimbursed at less than the standard rate.

This bill would revise the adjustment factors applicable to reimbursement rates for infants 0 to 2 years, 9 months, for children with exceptional needs ages 0 to 21 years, and for severely handicapped children ages 0 to 21 years.

This bill would authorize the Superintendent of Public Instruction to grant a certificate of operation to a child care and development facility for purposes of maintaining continuity of services and receipt of state and federal funds in contract transfer situations, under specified conditions.

This bill would appropriate \$23,900,000†† from the General Fund to the Superintendent of Public Instruction for allocation for purposes of child care and development programs.

This bill would take effect immediately as an urgency statute.

Ch. 1605 (AB 1527) Agnos. Child support.

Existing law provides that a court may order either or both parents to pay child support in any amount necessary for the support, maintenance, and education of the child. In making such a determination, the court must consider various factors, includ-

† Appropriation in Section 6 of chapter reduced to \$2,600,000 by action of the Governor.

†† Senate Bill No. 1674 contains provisions which would maintain the integrity of existing child care programs, therefore, I am signing this bill. However, I am reducing the appropriation in this bill from the \$23.9 million to \$4.4 million. I am reducing the appropriation for the purpose of increasing reimbursement levels of underfunded child care and development services, which includes preschools, from \$5 million to \$3 million. I feel this amount will provide the necessary funds to maintain existing programs.

I am also reducing the appropriation for the purpose of child care expansion from \$15 million to \$1 million which I intend to be used for respite child care pursuant to Education Code 8252.

I am eliminating the \$1.5 million for increasing reimbursement levels of State preschool programs, since these programs are not precluded from the availability of the appropriation which has been retained for that purpose.

I am also eliminating the \$2 million appropriation for allocation to the Office of Child Development for administration of existing child care and development services, as this bill provides administrative costs associated with the provisions contained in the bill.

I am also approving the \$400,000 appropriation for expansion for services to children with exceptional needs.

The problem of funding child care is a problem of growing concern in California. The issues surrounding the problems of general child care are complex and interdependent. Child care services must be viewed in terms of their affordability, availability, accessibility, quality, and cost effectiveness. However, the child care needs in California have not been thoroughly evaluated and alternatives to existing programs have not been fully identified, therefore, I have established a child care task force to explore this issue and to make recommendations by March 31, 1985. In that way, we can ensure that realistic answers to the child care problem in California can be found.

With these reductions and deletions, I approve Senate Bill No. 1674.

ing, but not limited to, each party's earning capacity, needs, age, health, and standard of living.

This bill, operative July 1, 1985, would establish the Agnos Child Support Act of 1984, providing a uniform standard for the establishment of the minimum amount of child support that shall be awarded, based on a specified formula. It would require the Judicial Council to publish informational material regarding the bill and to revise certain forms relating to the subject matter of the bill used in family law matters, as specified.

The bill would establish a state-mandated local program by requiring the district attorney to make a specified inquiry in connection with proceedings to enforce child support obligations.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 1606 (AB 3266) Papan. Health services.

Existing law provides for the California Children's Services program, which provides health services to physically handicapped children.

Existing law also provides for the Medi-Cal program, under which various categories of low-income persons are provided with basic health care services.

This bill would provide that, under both the Medi-Cal program, and the California Children's Services program, whenever an eligible beneficiary of services is receiving a bone marrow transplant for the treatment of cancer which is recommended by the individual's attending physician, which is provided in a hospital, approved for participation under the California Children's Services or Medi-Cal programs, which is a reasonable course of treatment and is approved by the appropriate hospital committee, the services shall be reimbursable under these programs.

Existing law provides that each county must meet a 25% matching requirement under the California Children's Services program.

This bill would, for purposes of bone marrow transplants performed under that program pursuant to this bill, exempt a county from this matching requirement if the county has a population of not more than 600,000, as determined by the most recent decennial census conducted by the United States Bureau of the Census.

This bill would also provide that, with respect to the Medi-Cal program, its provisions shall not be construed to prohibit reimbursement for any bone marrow transplants under the Medi-Cal program.

Ch. 1607 (AB 2483) Stirling. Schools crime reports

(1) Current law defines certain crimes specifically relating to actions which take place on school property.

This bill would require the State Department of Education, in consultation with the Department of Justice and a representative selection of school districts which currently compile school crime statistics, to develop a standard school crime reporting form, as specified, for use by all school districts.

This bill would require each school in a school district, on forms prepared and supplied by the State Department of Education, to forward a completed report of crimes committed on school grounds at the end of each reporting period to the district superintendent, thus imposing a state-mandated local program. This bill would also impose a state-mandated local program by requiring each district superintendent to compile the school data and to submit the aggregated data to the State Department of Education for specified reporting periods.

This bill would require the State Department of Education to distribute, upon request, to each office of the county superintendent of schools and each county probation depart-

ment, a summary of that county's district reports and a summary of statewide reporting data, as specified. This bill would also require the department to submit a summary of the statewide aggregated data, as specified, and would require the department, commencing with the second annual report, to evaluate school district crime prevention programs by comparing the numbers and rates of crimes and the resulting economic losses for each year against those of previous years.

This bill would require all school district, county, and statewide reports prepared under this bill to be deemed public documents, and would require that these documents be made available to the public at a price not to exceed the actual cost of duplication.

The bill would appropriate \$40,000 to the State Department of Education for developing the form and for consulting and training of school district staff on gathering crime statistics.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch 1608 (SB 1293) Presley Children

Existing law provides, with respect to a minor who has been adjudged a dependent child of the court and where the court has found that returning the child to the custody of his or her parents would create a substantial risk of detriment to the physical or emotional well-being of the minor, that the court shall develop a permanent plan for the minor and make any of specified determinations and orders in that connection, including an order that the county welfare department or probation department shall facilitate the placement of the minor in a home environment that can reasonably be expected to be stable and permanent if the court finds that the minor is not adoptable and that there is not a suitable adult available to become the legal guardian of the child.

This bill would provide that, in such a case, the court may transfer the care, custody, and control of the minor from the county welfare department or probation department to a licensed homefinding agency for suitable placement, as specified. Insofar as the bill would be applicable to both public and private licensed homefinding agencies and would require certain reports and services to be provided by those agencies, it would establish a state-mandated local program.

The bill also, among other things, would specify the date from which the one-year time period shall be calculated for the purpose of determining the eligibility of a minor who has been placed in out-of-home placement to be freed from parental custody and control; would require specified findings with regard to the provision of services to prevent the need for removal from the home when the juvenile court enters an order removing a minor alleged or adjudged to be a dependent child of the juvenile court from parental custody; would specify that a provision of the Uniform Child Custody Jurisdiction Act relating to certain information required to be submitted in a custody proceeding is not applicable to proceedings to free a minor from parental custody and control, would specify certain eligibility criteria for assistance pursuant to the Aid to Families with Dependent Children-Foster Care program, would provide for a preference for adoptive placement to foster parents of a dependent child, as specified; and would make various related, conforming, and technical changes.

Existing law provides that each county shall provide child welfare services, as specified.

This bill would, in augmentation of the Budget Act of 1984, appropriate \$12,000,000 from the General Fund to the State Department of Social Services for allocation by the department for the provision of child welfare services. It also would, in augmentation

of the Budget Act of 1984, appropriate \$5,865,000 to the State Department of Social Services for county administration and \$2,635,000 to the State Department of Health Services for eligibility services, as specified.

It also would make various additional changes to Section 232 of the Civil Code, and to Sections 361, 366, and 366.25 of the Welfare and Institutions Code, proposed by AB 2515, AB 2703, or AB 2712, contingent upon the enactment of one or more of those bills, as specified.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

This bill would take effect immediately as an urgency statute.

Ch. 1609 (SB 1472) Watson. Domestic violence law enforcement training.

Existing law provides for the issuance of protective court orders in cases involving domestic violence. Existing law also requires that peace officers receive training in first aid, child abuse, and sexual assault cases in order to obtain the basic certificate issued by the Commission on Peace Officer Standards and Training.

This bill would require peace officers to receive specified training in responding to domestic violence calls. The bill would require that the course of instruction, the learning and performance objectives, and the standards for the training be developed by the Commission on Peace Officer Standards and Training, in consultation with appropriate groups and individuals having an interest and expertise in the field of domestic violence, as specified. The bill would appropriate \$40,000 from the Peace Officers Training Fund for support of the commission for expenses of convening the necessary experts and \$25,000 to the Department of Justice for compilation of information relating to domestic violence. Additionally, the bill would provide procedures for law enforcement officers in responding to domestic violence-related calls and make other provisions relating to domestic violence.

This bill would impose a state-mandated local program by requiring local law enforcement agencies to adopt and comply with specified procedures with respect to domestic violence incidents, to maintain records of protection orders issued in domestic violence incidents, and to compile and record by categories all domestic violence-related calls received.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1991, the provisions contained in the bill for which state reimbursement is required.

Ch. 1610 (AB 2440) M. Waters. Mastectomy Medi-Cal

No provision of existing law provides that prosthetic devices or reconstructive surgery incident to mastectomy are covered under the Medi-Cal program.

This bill would provide that external prostheses, prosthetic implants, and reconstruc-

tive surgery incident to mastectomy shall be deemed medically necessary and shall be covered under the Medi-Cal program. This bill would also require the State Director of Health Services to adopt emergency regulations implementing the provisions of this bill within 30 days of its effective date

Ch. 1611 (SB 2123) Marks. Juvenile court law.

Existing law authorizes a social worker in a county welfare department to take minors who are alleged to be or adjudged to be dependent children of the juvenile court into temporary custody, as specified.

This bill would authorize such a social worker, without a warrant, to take into temporary custody and maintain temporary custody of a minor when the social worker has reasonable cause to believe that the minor is a person who may be adjudged a dependent child of the juvenile court on either of specified grounds

Ch 1612 (AB 3836) Condit. Youth.

Existing law provides that certain minors, including so-called "runaways," may be adjudged to be wards of the juvenile court on the basis of noncriminal conduct

This bill would require a specified state advisory group on the subject of juvenile justice required to be established by existing federal law to perform certain specified activities relating to programs for runaway and homeless youth

Ch 1613 (AB 2709) Vicencia Child abuse reporting

(1) Existing law requires certain persons to make a report of a known or suspected instance of child abuse to a child protective agency.

This bill would express findings and declarations of the Legislature relative to child abuse and would require the Department of Justice to automate its Child Abuse Central Registry, as specified. The bill would appropriate \$200,000 from the General Fund for that purpose.

(2) Existing law defines the term "sexual assault" as a form of child abuse which is the subject of specified reporting requirements. Existing law also requires daily reports by each sheriff or police chief executive to the Department of Justice of any instance of suspected sexual exploitation of a child, as defined.

This bill would instead define the term "sexual abuse" as a form of child abuse for those reporting purposes, comprising either "sexual assault" as previously defined or "sexual exploitation" as defined in the bill. The bill would delete the requirement of daily reporting by each sheriff or police chief executive to the Department of Justice of suspected sexual exploitation of a child. The bill would also revise the definition of "severe neglect" and "general neglect" as forms of child abuse for those reporting purposes to include failure to provide adequate medical care; it also would delete licensed day care workers from the definition of "child care custodian" and add to that definition licensees and employees of a community care facility for children

(3) Existing law requires a child protective agency to make specified information obtained from the Department of Justice available to a medical practitioner, child custodian, or guardian ad litem who reports suspected child abuse.

This bill would revise this provision to apply to a medical practitioner, child custodian, guardian ad litem, or specified appointed counsel who reports suspected child abuse, thereby imposing a state-mandated local program.

(4) This bill also would make additional changes in Section 11165 of the Penal Code, contingent upon the enactment of AB 2702 and SB 1124, as specified

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; there-

fore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

(6) The bill also would take effect immediately as an urgency statute.

Ch 1614 (AB 3075) Chacon. Youth. emergency referral services.

Existing law provides that a minor who has fled the custody and control of his or her parent (a so-called "runaway") may be declared a ward of the juvenile court on the basis of noncriminal conduct.

This bill would establish a Youth Emergency Telephone Referral Project in the Office of Criminal Justice Planning, which would establish, or contract for the establishment of, a toll-free emergency referral service, as specified, for runaways.

The bill would appropriate \$200,000 from the General Fund for the purposes of the act, as specified.

Ch 1615 (SB 1754) Torres. Community care facilities child day care.

(1) Under the existing California Community Care Facilities Act, the State Department of Social Services administers licensure provisions relating to day care facilities for children, including day care centers and family day care homes

This bill would declare the legislative intent that there be established an organizational structure to separate licensing of day care facilities for children from other facility types licensed by the department. This bill would also relocate existing provisions of law relating to the licensure. It would permit the department to impose civil penalties in certain instances, as specified

(2) This bill in addition would require the department to establish a child care ombudsman program, as specified. By imposing certain new requirements on day care facilities which may be run by local governments or districts, the bill would be a state-mandated local program

(3) This bill would also provide remedies for discrimination, as defined, by the licensee against an employee who performs certain actions in relation to complaints for violations of the law. The Division of Labor Standards Enforcement would be required to handle the complaints. This bill would be a state-mandated local program by making the willful failure of the employer to perform certain actions a misdemeanor

(4) This bill would appropriate \$2,000,000 to the department, without respect to fiscal years, from the General Fund to implement specified provisions.

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(6) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(7) This bill would incorporate changes in Section 1505 of the Health and Safety Code, proposed by SB 2274 or AB 469, or both, but only if SB 2274 or AB 469, or both, are chaptered and become effective, and this bill is chaptered last

(8) It would incorporate changes in Section 1502 of the Health and Safety Code proposed by AB 3747, but only if this bill and AB 3747 are both chaptered and become effective and this bill is chaptered last.

Ch 1616 (SB 695) McCorquodale Minors.

Existing law specifies acts which constitute prima facie evidence of the commission of the crime of abandonment or desertion of a child by a parent.

This bill would make it a crime for a parent to refuse, without legal excuse, to accept his or her minor child into the parent's home or to provide alternative shelter upon being requested to do so by a child protective agency, as defined.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a new program or higher level of service upon local governments by adding a crime.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1617 (SB 1588) Watson Child care and development programs

Under existing law, the Child Care and Development Services Act is administered by the State Department of Education and the Superintendent of Public Instruction, and the superintendent is required to adopt rules and regulations pursuant to that act.

This bill would specify certain subjects which the rules and regulations must address. The bill would require the State Department of Education to, among other things, establish a toll-free number for a limited time for programs receiving funds under the act which are in need of technical assistance when specified funds are made available. The state department would be required by the bill to submit a report to the Joint Legislative Budget Committee on the most appropriate method of funding child care and development programs, as specified.

The bill would prohibit certain persons employed by the State Department of Education from serving as a member on the board of directors, advisory council, or advisory committee for any agency receiving funds under the Child Care and Development Services Act, and would prohibit certain persons who worked for the state department from receiving certain contracts for a specified period after those persons leave state employment.

The bill would require the State Department of Social Services to notify the State Department of Education when a child care or development facility licensed by the State Department of Social Services is found to have licensing violations which that department has determined by regulation to endanger the health and safety of children.

Ch 1618 (AB 1562) Vicencia Child abuse pilot projects.

Existing law provides for the Office of Child Abuse Prevention in the State Department of Social Services. This office contracts with agencies for pilot projects in the area of child abuse and neglect prevention.

This bill would provide that the Office of Child Abuse Prevention shall, through competitive bidding with public or private nonprofit agencies, contract for 2 different types of pilot projects.

The bill would provide that 6 projects shall provide in-home care to families as an alternative to commencing dependency proceedings and ultimately having children placed in foster care.

The bill would also provide for 3 projects to assist families with children who are in self-care designed to maximize the safety and quality of life of these children.

The bill provides that the locations of the pilot projects provided for in the bill would be selected, as specified.

The bill sets annual funding limits for each of the projects provided for in this bill.

The bill would annually appropriate \$1,500,000 for 3 years from the General Fund to the State Children's Trust Fund for the purpose of implementing the pilot project provisions of the bill.

The bill would also provide that evaluations of these pilot projects shall be performed by both the Auditor General and by either a public institution, a private nonprofit agency or other qualified organization, to be selected by the State Department of Social Services. This bill would also require the State Department of Social Services to conduct yearly audits of agencies contracting to establish the pilot projects.

The bill provides that its pilot project provisions shall remain in effect only until January 1, 1988, and as of that date are repealed, unless a later enacted statute chaptered prior to that date extends or deletes that date.

Existing law provides for the State Children's Trust Fund, which is appropriated to the State Department of Social Services for the purpose of implementing and adminis-

tering child abuse and neglect prevention and intervention programs. The State Children's Trust Fund contains funds obtained from designation of money for that purpose from tax refunds.

This bill would permit the Franchise Tax Board to retain up to 5% of taxpayer contributions to the fund to reimburse the board for the costs of administering those provisions

The bill would also permit the State Department of Social Services to establish administrative positions for the purpose of implementing child abuse and neglect prevention and intervention programs utilizing funds from the State Children's Trust Fund

Ch. 1619 (AB 3031) Vasconcellos. Family relationships and parenting education.

Under existing law, local school districts may provide parenting education programs.

This bill would require the State Department of Education to complete family relationships and parenting education curricula before April 1, 1986, and to make awards on a competitive basis to, and in the implementation of, family relationships and parenting education programs, as defined, in school districts. The department would be required to make a report to the Legislature by September 1, 1987.

This bill would reappropriate for the purpose of this bill \$300,000 of certain Federal Block Grant funds appropriated to the State Department of Education by the Budget Act of 1984.

This bill would also require certain information to be included in the department's survey if SB 1616 is enacted.

Ch. 1620 (AB 2614) Moorhead. Health care training geriatric programs.

(1) Under existing law, the Division of Licensing of the Board of Medical Quality Assurance oversees physician licensing examinations.

This bill would express the Legislature's intent that the Division of Licensing strongly urge those organizations responsible for the development of physician licensing examinations to include within those examinations increased emphasis on medical problems of the elderly

The bill would require the Board of Medical Quality Assurance to report its initial findings regarding that intent to the Legislature by January 1, 1986, and to submit a subsequent report on or before January 1, 1987

(2) Under existing law, the State Department of Health Services administers various grant programs related to health services

This bill would establish a program whereby the Regents of the University of California would provide grants to academic geriatric resource programs, as specified, to eligible campuses within the University of California system.

This bill would require the regents to submit an annual progress report regarding the grant program, as specified, to the Legislature on January 1 of each year, commencing January 1, 1986

This bill would specify that none of its provisions shall be applicable to the University of California unless the regents, by resolution, make the provision applicable

This bill would direct the State Department of Health Services to seek any Medicaid waivers necessary to implement the provisions of this bill

(3) This bill would express the intent of the Legislature to encourage the regents to monitor existing physician licensing requirements, and any additional requirements developed in response to item (1). The bill would also express the legislative intent that the regents review programs and offerings in the schools of medicine, as specified, and that they request the medical and health science schools of the University of California to consider the need for additional emphasis on geriatrics in their curricula. The bill would request the regents to provide a status report on that need to the Governor and the Legislature on or before January 1, 1987.

(4) This bill would appropriate \$1,000,000 to the Regents of the University of California for purposes of providing grants pursuant to the provisions of this bill, and would prohibit the regents from expending any of the funds until they have, by resolution, elected to administer the Academic Geriatric Resource Program. This bill would also prohibit the regents from expending any of the funds to supplant state funds for costs for certain existing programs and activities.

Ch 1621 (AB 2845) Allen Medi-Cal.

Existing law provides that skilled nursing and intermediate care facility services are one of the types of services provided under the Medi-Cal program

Under existing law, the amount deemed to be necessary for the maintenance of a medically needy person residing in a skilled nursing or intermediate care facility, and which is therefore subtracted from any share of costs which might be owing as a condition of Medi-Cal eligibility, includes an unspecified amount for personal and incidental needs.

This bill would specify that this amount shall be not less than \$35 per month, and may be increased pursuant to regulations promulgated by the State Department of Health Services, as necessitated by increasing costs of personal and incidental needs

Existing law provides that an aged, blind, and disabled Medi-Cal recipient who meets specified eligibility requirements under the state supplementary program and who resides in a medical facility shall be paid \$25 per month for his or her personal and individual needs.

This bill would provide that this sum shall be \$35 per month if the Secretary of the United States Department of Health and Human Services agrees to administer a higher amount of payment

Existing law and regulations do not require a periodic hair trim or, except for specified items, laundry services to be provided by skilled nursing or intermediate care facilities

This bill would provide that, with respect to Medi-Cal recipients, laundry services for all apparel, linen, garments, towels, and hospitals gowns, as well as a periodic hair trim, shall be provided by skilled nursing and intermediate care facilities, at no cost to the recipient. The director is authorized, if necessary, to adjust the Medi-Cal reimbursement for these facilities to reflect these services

The bill specifies that these services do not include drycleaning and special beauty care

Since the bill applies to facilities operated by local agencies, the bill would create a state-mandated local program due to its requirement that specified services be required by skilled nursing and intermediate care facilities

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would appropriate \$1,692,500 from the General Fund to the Health Care Deposit Fund in order to implement the provisions of the bill concerning laundry and periodic hair trim services. This appropriation can be utilized for allocation and disbursement to local agencies and school districts for costs mandated by the state and incurred by them pursuant to this act

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch 1622 (AB 2655) Moorhead Medi-Cal Drug Formulary.

Existing law provides that Medi-Cal reimbursement for prescribed drugs may be received only for drugs contained in the Medi-Cal Drug Formulary.

Existing law requires the Medical Therapeutics and Drug Advisory Committee to review drugs on the formulary and make written recommendations to the Director of the State Department of Health Services as to the addition or deletion of a drug

This bill would provide that when the department receives an application to add a drug which is a different dosage form, or strength of a listed product, the State Director of Health Services may add the product to the formulary without review by the Medical Therapeutics and Drug Advisory Committee.

This bill would provide that the department shall select one pilot project site which meets specified criteria, to be located in northern California for implementation of a pilot project under which a provider may be reimbursed for any drug prescribed to a Medi-Cal beneficiary, if prescribed by a licensed provider as specified, and is approved for use by the federal Food and Drug Administration

The bill also provides that existing prior authorization controls shall not apply to the pilot project

The bill would provide for the creation of a Medi-Cal Drug Utilization and Review Committee in the pilot test area, if AB 3888 is not enacted during the 1983-84 Regular Session composed as specified, which, for purposes of the pilot project, would, among other things, establish policies and standards to prevent excess utilization or underutilization of drugs.

The bill would provide that the pilot project shall commence operation on July 1, 1985, but that prior to that date the department must submit its implementation plans to the Assembly Committee on Aging and Long-Term Care.

The bill would require the department to contract for an evaluation of the pilot project, to be submitted by July 1, 1988.

The bill would empower the department to seek all necessary waivers from the federal government for implementation of the bill and to promulgate emergency regulations for the implementation of the bill.

The bill would provide that any provision requiring a waiver from the federal government shall only be implemented if that waiver is obtained.

Ch. 1623 (AB 3662) Filante State Long-Term Care Ombudsman: hotline

Existing law provides for the Office of the State Long-Term Care Ombudsman which, among other things, investigates complaints by residents of community care facilities and long-term health care facilities.

This bill would require the Office of the State Long-Term Care Ombudsman to establish a toll-free telephone hotline in Sacramento to receive telephone calls concerning crises discovered in either a long-term health care facility or a community care facility, as specified, and to submit a specified related report to the Legislature by July 1, 1987.

This bill would become inoperative on July 1, 1988, and would be repealed as of January 1, 1989.

This bill would appropriate \$75,000 from the General Fund to the Department of Aging to be utilized for implementing the provisions of the bill.

Ch. 1624 (SB 1803) Mello Day care.

Under existing law, one of the types of services provided to Medi-Cal recipients is adult day health care services.

Existing law provides that the State Department of Health Services shall develop rates for reimbursement of adult day health care centers based upon reasonable costs.

This bill would repeal the existing reimbursement rate provisions, and instead provide that the department, in consultation with the Association of Adult Day Services, shall develop a new reimbursement rate, as specified, which shall be submitted to the Legislature for approval. Until the new rate system is implemented, adult day health care centers are to be reimbursed under the Medi-Cal program at the lesser of either of the maximum approved center daily Medi-Cal rate, or actual uncompensated costs.

Ch. 1625 (AB 2257) Agnos Health: long-term health care: community care facilities: office of the State Long-Term Care Ombudsman

(1) Existing law does not authorize a person who has made a complaint with respect to a long-term health care facility, as defined, and is dissatisfied with the State Department of Health Services determination, when the matter would pose a threat to the health, safety, security, welfare, or rights of a resident to notify the State Director of Health Services of his or her request for an informal conference.

This bill would permit a complainant to take this action in a specified manner. It would require the complainant to be notified of the department's proposed course of action and of the right to an informal conference if the complainant is dissatisfied. It would require the licensee and complainant to be notified of specified determinations and of certain rights. It would permit the complainant to get a specified review of the decision made at the informal conference. It would delineate the kinds of evidence for which a citation could be issued, as specified.

(1.5) Existing law requires the department, upon receipt of a complaint, to assign an inspector to make a preliminary review of the complaint and, except as specified, make an onsite inspection of the long-term health care facility.

This bill would expressly prescribe that, when conducting such an onsite inspection

or investigation, the department shall collect and evaluate all available evidence, and may issue a citation based upon, but not limited to, observed conditions, statements of witnesses, and facility records.

(2) Existing law permits a licensee of a long-term health care facility who desires to contest a citation or proposed assessment of a civil penalty therefor to request an informal conference, as specified.

This bill would, instead, permit the licensee to request a citation review conference and would permit the complainant and his or her designated representative, or certain affected residents and their designated representatives, a personal health care provider, and a personal attorney, as specified, to participate in the conference, as specified. It would permit any person representing the office of the State Long-Term Care Ombudsman or certain approved organizations, as defined, to participate in the conference. It would provide a procedure when residents of a facility are threatened by a cited violation, but are not named in the citation, for participation in the conference. It would require the State Department of Health Services to notify the complainant or affected resident of the citation review conference and of the determinations made, as specified. It would make substantial modifications in the procedures for contesting citations and would reference a new class "AA" citation.

(3) Under existing law, there is the office of the State Long-Term Care Ombudsman and approved organizations, as defined, which hear, investigate, and resolve complaints made by or on behalf of patients, residents, or clients of long-term health care facilities.

This bill would require the State Department of Health Services to provide the office and approved organizations with inspection reports for long-term health care facilities. It would require the department to provide the office with copies of all class "AA," "A," and "B" citations issued.

It would similarly require the State Department of Social Services to provide inspection reports for community care facilities.

This bill would make any person who willfully interferes with any lawful action of the office and approved organizations subject to a prescribed civil penalty, to be assessed by the Director of Aging, as specified.

It would also authorize the office and approved organizations to undertake various visitation, education, and training programs, as specified.

(4) Existing law prescribes civil penalties not to exceed \$500 for the licensee of a long-term health care facility to discriminate or retaliate in any manner against a patient or employee of a facility on the basis that the patient, employee, or any other person has initiated or participated in certain investigations or certain proceedings. Existing law also creates a rebuttable presumption that the act of expelling a patient from a long-term health care facility or any type of discriminatory treatment is in retaliation when the patient has submitted a complaint or is the subject of a complaint or proceeding, as specified.

This bill would raise the civil penalty to an amount not to exceed \$10,000. It would specify how the civil penalty is to be assessed and enforced in certain instances.

It would broaden both the civil penalty and rebuttable presumption provisions to make clear that the investigation or proceeding initiated, participated, or cooperated in pursuant to these provisions includes complaints or grievances relating to care, services, or conditions at the licensee's facilities.

It would provide a specified rebuttable presumption for any attempt to terminate the employment, or other discriminatory treatment, of an employee who files certain grievances or complaints or initiates, participates, or cooperates in certain investigations or proceedings.

In the case of expelling a patient, it lengthens the period during which the rebuttable presumption applies, as specified. It provides that a licensee is subject either to a civil penalty or criminal fine for violation of these provisions, but not both.

This bill provides that a willful violation of certain of its provisions constitutes an infraction punishable by a fine of not more than \$10,000.

It would make technical, nonsubstantive changes

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases,

for making claims to the State Board of Control for reimbursement.

This bill imposes a state-mandated local program by creating a new crime and by requiring publicly operated long-term health care facilities to make a specified posting.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(6) This bill would also provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch 1626 (AB 3900) Margolin. Community care facility residents

Existing law provides for various categories of community care facilities, including facilities serving elderly persons, which provide residential services, excluding health care services. It requires the Health and Welfare Agency to administer provisions of law creating the Multipurpose Senior Services Program to serve frail elderly persons 65 years of age or older who are at risk of institutionalization in a skilled nursing facility or an intermediate care facility

Existing law provides that skilled nursing and intermediate care facility services are reimbursable under the Medi-Cal program. It authorizes local sites of the Multipurpose Senior Services Program to contract with the State Director of Health Services as a Medi-Cal program.

This bill would provide that the Multipurpose Senior Services Program shall administer a Community Care Facility Demonstration Project for the Elderly, which shall be operational for a period of 3 years, and would authorize the Multipurpose Senior Services Program to contract with the State Department of Health Services for use of Health Care Deposit Fund moneys under specified conditions.

The bill would provide that personal care services, in excess of those services required to be provided by community care facilities in order to obtain or maintain a license, shall be provided, where needed, to frail elderly persons, as defined. These services would be paid for through the Medi-Cal program.

This bill would make implementation of the demonstration project dependent upon the availability of federal financial participation and upon the receipt of required waivers and waiver amendments.

The bill would provide that the Multipurpose Senior Services Program shall submit an evaluation of the project to the Legislature not later than July 1, 1988, and that the provisions authorizing the project would be repealed on January 1, 1989.

The bill would further provide that the Multipurpose Senior Services Program shall seek any waivers from the federal government necessary to implement the demonstration project provisions, only if the project cannot be implemented under existing federal waivers or existing program authority.

This bill would authorize the Secretary of the Health and Welfare Agency to waive, at the request of the Multipurpose Senior Services Program, state statutes and regulations that would prohibit or restrict the ability of the Multipurpose Senior Services Program to provide the services authorized by this bill.

This bill would prohibit the extension or expansion of this demonstration project unless conclusive evidence has been presented to the Legislature that it is cost-effective and can be replicated.

The bill would appropriate from the General Fund, and make available for encumbrance without regard to fiscal years, the sum of \$595,000, to the Health and Welfare Agency in order to implement the bill.

Ch 1627 (AB 3350) Moorhead. Health facilities.

(1) Under existing law, the State Department of Health Services licenses health facilities, including skilled nursing facilities. The department also adopts regulations which define bed classifications for health facilities. Willful or repeated violation of these regulations is a crime

This bill would, on and after July 1, 1985, permit skilled nursing facilities to provide specialized services in a secure environment, as defined, for certain patients with progressively disabling diseases, in a distinct part of the facility when such placement is otherwise authorized by law. The bill would impose a state-mandated local program since a violation of these provisions would be a crime.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1628 (AB 3264) Katz Long-term health care facilities

Existing law does not require the State Director of Health Services to issue press releases in a prescribed manner when certain enforcement actions are taken against a long-term health care facility, as defined.

This bill would make such a requirement when specified enforcement actions are taken. It would require the State Department of Health Services to develop guidelines concerning the issuance of those press releases, as specified.

Existing law provides that skilled nursing and intermediate care facility services are reimbursable under the Medi-Cal program.

The bill would require Medi-Cal recipients residing in these facilities to be informed of charges for services payable by the resident, and would limit charges to the price paid by the facility for those goods and services actually provided to the resident.

Ch. 1629 (AB 3264) Moorhead. Health care facilities.

(1) Under existing law, the State Department of Health Services is required to conduct specified annual inspections of long-term health facilities.

This bill would require the department to conduct, at least annually, unannounced direct patient care inspections, as specified. It would require certain periodic unannounced direct patient care inspections for specified facilities evidencing repeated problems. It would require all long-term health care facilities to report any changes in the nursing home administrator or director of nursing services, as specified, and would thereby impose a state-mandated local program to the extent this would apply to local agency-operated facilities. It would permit an abbreviated inspection of the facility in the instance of this change of administrator or nursing services director.

(1.5) Existing law does not require the department to submit to the federal Department of Health and Human Services a request to supplement a 3-year pilot program designed to lessen the predictability of the long-term health care facility inspection process.

This bill would require the department to do so on or before July 1, 1985, prescribe 2 components of the pilot program, require an analysis of both components by the department at the conclusion of the pilot program, make implementation of the pilot program contingent upon federal approval, and require specified reports to the Legislature.

(2) Under existing law, the Long-Term Care, Health, Safety, and Security Act of 1973 imposes various requirements on the State Department of Health Services with respect to the licensure and regulation of facilities subject to that act.

This bill would require the department to develop and establish a consumer information service system, as specified. The bill would also state it is the intent of the Legislature that the department maximize the use of available federal funds in developing and establishing the system.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other

available remedies to seek reimbursement for these costs

(4) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch 1630 (SB 2161) Mello. Housing second units and shared housing.

(1) Existing law permits the Department of Housing and Community Development to provide technical assistance and aid to various specified entities for the purpose of providing the benefits of assisted housing to very low income households and persons and families of low or moderate income which are handicapped or in which the head of household has been previously confined to institutional care.

This bill would require the department to coordinate its technical assistance activities and loan and grant programs in order to increase participation and understanding of those activities and programs by public and private groups and individuals seeking to expand or improve housing opportunities for the elderly or handicapped

(2) Existing law requires the Department of Housing and Community Development to administer the Senior Citizens' Shared Housing Program which is designed to assist senior citizens find other seniors and nonseniors with whom they may share existing housing units. Existing law specifies the criteria to be utilized by the department to evaluate the effectiveness of the program

This bill would specify the purposes for which the department may allocate funds to nonprofit organizations under the program, would require the department to establish criteria to analyze the effectiveness of proposals made by nonprofit organizations, would require the department to consult with the Department of Aging with respect to the administration of the program, and would permit the department to utilize funds appropriated for purposes of the program for administrative costs

(3) Existing law does not authorize the California Housing Finance Agency to issue revenue bonds for the purpose of obtaining funds to make loans for the purpose of developing second units and the rehabilitation of primary units.

This bill would authorize the agency to issue revenue bonds for that purpose. The bill would permit the agency to contract with a qualified mortgage lender or local housing finance agency, as defined, to make those loans and would specify the conditions under which those loans could be made. The bill would permit the agency to contract with the Department of Housing and Community Development to administer the program enacted by this bill

The bill would require the proceeds of those revenue bonds to be deposited in the California Housing Finance Fund. While the moneys in that fund are continuously appropriated to the agency, another provision of existing law specifies that those funds may not be encumbered on and after July 1, 1985, unless the Legislature, by statute, specifies that the moneys in the fund are appropriated for encumbrance.

(4) The bill would appropriate \$500,000 to the department to be utilized to carry out the Senior Citizens' Shared Housing Program.

Ch. 1631 (SB 1341) Mello. Health long-term health care facilities

(1) Existing law authorizes the superior court of the county in which a long-term health care facility, as defined, is located to appoint a receiver, who is a licensed nursing home administrator and who has sufficient background and experience in management and finances to ensure compliance with orders issued by the court, to temporarily operate the facility for not more than 3 months, upon petition by the State Director of Health Services whenever circumstances exist indicating that continued management of the facility by the current licensee would present a substantial probability or imminent danger of serious harm or death to the patients. It also requires that the petition be accompanied by an affidavit of an officer or employee of the department having personal knowledge of the facts

This bill would add to the list of circumstances for which a petition for receivership may be brought to include the existence in the facility of a condition in substantial violation of state law or rules and regulations respecting long-term health care facilities, a pattern or practice of habitual violation of such state law and rules and regulations, or if the facility is closing or intends to terminate operation as a licensed facility and

adequate arrangements for the relocation of residents have not been made at least 30 days prior to the closing or termination.

It would permit the receiver to be any responsible person or entity, determined by the court, and would prohibit the owner, licensee, or administrator of the facility from being appointed as the receiver unless authorized by the court.

It would also permit the court to appoint a receiver for an additional 6-month period, as specified.

(2) Under existing law, the receiver of a long-term health care facility is required to honor all leases, mortgages, and secured transactions affecting the building in which the facility is located and all goods and fixtures in the building of which the receiver has taken possession, but only to the extent of payments which, in the case of a rental agreement, or for the use of the property during the period of receivership, or which, in the case of a purchase agreement, came due during the period of receivership.

This bill would provide that a receiver may not be required to honor any lease, mortgage, or secured transaction or other wholly or partially executory contract entered into by the owners or operators if certain criteria are met. It would permit the receiver to petition the court for a determination of the reasonable rent, price, or rate of interest to be paid during the duration of the receivership. It would require a specified notice to be sent by the receiver and a hearing by the court within 15 days of the application. It would provide that payment of the reasonable amount, as determined by the court, by the receiver is a defense to any action against the receiver brought by a person receiving the specified notice, but does not relieve the owner or operator of the facility of liability, as specified.

(3) Existing law requires the State Department of Health Services to conduct annual inspections of long-term health care facilities with an exception for facilities without certain violations in the past 2 years, as specified.

This bill would require the department to conduct, at least annually, unannounced direct patient care inspections, as specified. It would require certain periodic unannounced direct patient care inspections for specified facilities evidencing repeated problems. It would require all long-term health care facilities to report any changes in the nursing home administrator or director of nursing services, as specified, and would thereby impose a state-mandated local program to the extent this would apply to local agency-operated facilities. It would permit an abbreviated inspection of the facility in the instance of this change of administrator or nursing services director.

(3.5) Existing law does not require the department to submit to the federal Department of Health and Human Services a request to supplement a 3-year pilot program designed to lessen the predictability of the long-term health care facility inspection process.

This bill would require the department to do so on or before July 1, 1985, prescribe 2 components of the pilot program, require an analysis of both components by the department at the conclusion of the pilot program, make implementation of the pilot program contingent upon federal approval, and require specified reports to the Legislature.

(4) Existing law prescribes civil penalties not to exceed \$500 for the licensee of a long-term health care facility to discriminate or retaliate in any manner against a patient or employee of a facility on the basis that the patient, employee, or any other person has initiated or participated in certain investigations or certain proceedings. Existing law also creates a rebuttable presumption that the act of expelling a patient from a long-term health care facility or any type of discriminatory treatment is in retaliation when the patient has submitted a complaint or is the subject of a complaint or proceeding, as specified.

This bill would raise the civil penalty to an amount not to exceed \$10,000. It would specify how the civil penalty is to be assessed and enforced in certain instances.

It would broaden both the civil penalty and rebuttable presumption provision to make clear that the investigation or proceeding initiated or cooperated in pursuant to these provisions include complaints or grievances relating to care, services, or conditions at the licensee's facility, as specified. It would specifically define the effect of the rebuttable presumption and in the case of expelling a patient, it would lengthen the period during which the rebuttable presumption applies, as specified. It would provide that a licensee is subject either to a civil penalty or criminal fine for violation of these provisions, but

not both. It would require a specified posting in each facility concerning the right to request an inspection of a facility; to the extent this requirement would apply to facilities operated by local agencies, the bill would impose a state-mandated local program.

The bill would provide that a willful violation of these provisions constitutes an infraction punishable by a fine of not more than \$10,000.

It would make certain, nonsubstantive changes.

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would create a state-mandated local program by creating a new crime.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(7) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch 1632 (SB 1345) Seymour. Health facilities· long-term health care· Director of Aging

(1) Existing law does not authorize a person who has made a complaint with respect to a long-term health care facility, as defined, and is dissatisfied with the State Department of Health Services determination, when the matter would pose a threat to the health, safety, security, welfare, or rights of a resident, to notify the Director of Health Services of his or her request for an informal conference.

This bill would permit a complainant to take this action in a specified manner. It would require the complainant to be notified of the department's proposed course of action and of the right to an informal conference if the complainant is dissatisfied. It would require the licensee and complainant to be notified of specified determinations and of certain rights. It would permit the complainant to get a specified review of the decision made at the informal conference. It would delineate the kinds of evidence for which a citation could be issued, as specified.

(1.5) Existing law requires the department, upon receipt of a complaint, to assign an inspector to make a preliminary review of the complaint and, except as specified, make an onsite inspection of the long-term health care facility.

This bill would expressly prescribe that, when conducting such an onsite inspection or investigation, the department shall collect and evaluate all available evidence, and may issue a citation based upon, but not limited to, observed conditions, statements of witnesses, and facility records.

(2) Existing law permits a licensee of a long-term health care facility who desires to contest a citation or proposed assessment of a civil penalty therefor, to request an informal conference, as specified.

This bill would, instead, permit the licensee to request a citation review conference, and would permit the complainant and his or her designated representative, or certain affected residents and their designated representatives, a personal health care provider, and an attorney, as specified, to participate in the conference. It would permit any person representing the Office of the State Long-Term Care Ombudsman or certain approved organizations, as defined, to participate in the conference. It would provide a procedure for participation in the conference by residents of a facility who are threatened by a cited violation, but are not named in the citation. It would require the State

Department of Health Services to notify the complainant or affected resident of the citation review conference and of the determinations made, as specified. It would make substantial modifications in the procedures for contesting citations and would reference a new class "AA" citation.

(3) Under existing law, there is the Office of the State Long-Term Care Ombudsman and approved organizations, as defined, which hear, investigate, and resolve complaints made by or on behalf of patients, residents, or clients of long-term health care facilities.

This bill would require the State Department of Health Services to provide the office and approved organizations with copies of inspection reports for long-term health care facilities upon request. It would require the state department to provide the office with copies of all class "AA," "A," and "B" citations issued.

It would similarly require the State Department of Social Services to provide copies of inspection reports for community care facilities upon request.

The bill would authorize the office and approved organizations to undertake various visitation, community education, and community training programs, as specified. It would appropriate \$208,500 from the General Fund to the Office of the State Long-Term Care Ombudsman for purposes of carrying out these functions.

(4) This bill would make it a specified civil penalty to willfully interfere with any lawful action of the Office of the State Long-Term Care Ombudsman or certain approved organizations, to be assessed by the Director of Aging, as specified.

(5) It would provide that its provisions shall not become operative unless AB 2909 is chaptered and becomes effective on or before January 1985.

Ch 1633 (AB 3407) McClintock. Crimes: loitering and prowling

Existing law makes any person who loiters, prowls, or wanders upon the property of another, in the nighttime, without visible or lawful business with the owner or occupant thereof, guilty of a misdemeanor.

Existing law also makes any person, while loitering, prowling, or wandering upon the private property of another, in the nighttime, who peeks in the door or window of any inhabited building or structure located thereon, without visible or lawful business with the owner or occupant thereof, guilty of a misdemeanor.

This bill would make those acts crimes when committed at any time, and thereby mandate a higher level of service on local governments by expanding the scope of existing crimes.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1634 (SB 401) Mello. Rape.

Existing statutory law does not define rape as an act of sexual intercourse accomplished with a person not the spouse of the perpetrator against a person's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official.

This bill would so provide.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would create a state-mandated local program by expanding the scope of an existing crime.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1635 (AB 3876) Filante Crimes

Existing law regulates controlled substances with respect to prescriptions, treatment of users and addicts, manufacture, sale, furnishing, and use. Existing law provides that, except for the purposes of the provisions regulating prescriptions, "controlled substances" means a drug, substance, or immediate precursor which is included in one of Schedules I through V, inclusive, of the California Uniform Controlled Substances Act. For the purposes of the provisions regulating prescriptions, "controlled substances" means any drug, substance, or immediate precursor which is included in one of the 5 schedules contained in the Federal Controlled Substances Act.

This bill would revise Schedules I through V, inclusive, of the California Uniform Controlled Substances Act so as to make them generally parallel to the 5 schedules contained in the Federal Controlled Substances Act, and thus this bill would impose a state-mandated local program or higher level of service by revising the scope of existing crimes. The bill would authorize the Attorney General to add additional analogs of phencyclidine to those enumerated in Schedule II, as specified. The bill would delete the prohibition in existing law against the manufacturing or compounding of specified controlled substances.

The bill would make conforming changes and, in addition, would, in specified provisions, replace references to narcotics or restricted dangerous drugs with references to controlled substances.

Existing law provides that specified records pertaining to the arrest or conviction of any person for a violation of specified controlled substance offenses, including a person under the age of 18 years who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, upon school grounds during school hours, shall not be kept beyond 2 years from the date of the conviction, or from the date of the arrest if there is no conviction, but shall be destroyed as specified.

This bill would provide, however, that records pertaining to a person under the age of 18 years who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, upon school grounds during school hours shall be retained until the offender attains the age of 18 years at which time the records shall be destroyed as specified.

Existing law makes it a misdemeanor for anyone to loiter upon the private property of another, in the nighttime, without visible or lawful business with the owner or occupant of the property. Existing law also makes it a misdemeanor to peek in the door or window of an inhabited building under the above circumstances.

This bill would, instead, make it a misdemeanor for anyone to loiter upon the private property of another at any time, rather than in the nighttime, without visible or lawful business with the owner or occupant of the property. The bill for the purpose of the above provision would define the term "loiter" to mean to delay or linger without a lawful purpose for being on the property and for the purpose of committing a crime as opportunity may be discovered. The bill would make the peeking prohibition applicable anytime rather than only in the nighttime. The bill would thus impose a state-mandated local program by expanding the scope of an existing crime.

The bill would (1) incorporate additional changes to Section 4227 of the Business and Professions Code, as proposed by AB 3335, if both bills are chaptered and this bill is chaptered last; (2) incorporate additional changes to Section 6581 of the Business and Professions Code, as proposed by AB 3623, if both bills are chaptered and this bill is chaptered last; (3) incorporate additional changes to Section 19572 of the Government Code, as proposed by SB 2012, if both bills are chaptered and this bill is chaptered last; (4) incorporate additional changes to Section 261 of the Penal Code, as proposed by SB 401, if both bills are chaptered and this bill is chaptered last; and (5) incorporate additional changes to Section 330 of the Welfare and Institutions Code, as proposed by AB 1562, if both bills are chaptered and this bill is chaptered last.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1636 (AB 3888) Tucker Medi-Cal.

Existing law authorizes the director to reduce reimbursement of Medi-Cal providers when funds available for the Medi-Cal program fall below estimated amounts necessary for Medi-Cal program expenses during a fiscal year.

This bill would provide that the director's discretion shall not be used to reduce reimbursement to providers of pharmaceutical services due to increased costs in the drug component of the Medi-Cal program arising from the implementation of the open formulary concept provided for in the bill.

Existing law provides that utilization controls may be applied to specified services covered under the Medi-Cal program, and the requirement of prior authorization may be used as a utilization control.

This bill would require the State Director of Health Services, after a determination of cost benefit, to eliminate the requirement of prior authorization as a control for treatment, supplies, or equipment which cost less than \$100, but would permit the requirement to be reinstituted upon specified findings by the State Department of Health Services, and upon notice to the Joint Legislative Budget Committee prior to the reinstitution.

Existing law requires the department to secure a toll free phone number for the use of pharmacists and other providers of Medi-Cal services in requesting prior authorization for those services.

This bill would delete that requirement.

This bill would also create a Medi-Cal Therapeutic Drug Utilization and Review Committee with a specified membership to develop a Medi-Cal Therapeutic Drug Utilization Review System, and to perform responsibilities provided for under AB 2655, if that bill is enacted during the 1983-84 Regular Session. The bill would require a contractor selected by the Auditor General to report to the Legislature on the system established by this bill.

This bill would also incorporate additional changes in Section 14132 of the Welfare and Institutions Code, to be effective if either or both AB 3021 and AB 3133 are chaptered and this bill is chaptered last.

Ch 1637 (AB 2226) Felando. Elderly persons.

Under existing law, the Department of Aging has administrative authority over various state and federally funded programs which provide services to older persons, as defined.

Funds are allocated by the department pursuant to a state plan which is formulated based upon approved plans submitted by area agencies on aging.

This bill would require the Department of Aging to establish a Long-Term Care Division, which would be responsible for administering the programs that are funded for the purposes of providing community-based long-term care.

This bill would provide that the department shall, commencing with the 1984-85 fiscal year, award contracts to selected nonprofit organizations or governmental entities to arrange for the provision of various types of services which are aimed at achieving the goal of enabling functionally impaired adults and the frail elderly to remain in their own homes. No more than 10 contractors would be selected during the 1984-85 fiscal year.

The bill would also require the department to establish interagency agreements with the State Department of Health Services and the State Department of Social Services in order to ensure effective implementation of this program. This bill would also require the State Department of Health Services to conduct preadmission screening programs of specified persons applying for admission to long-term health care facilities.

The bill would require the Department of Aging, in conjunction with the State Department of Health Services to submit annual reports to the Legislature, commencing March 1, 1986, on implementation of this program, with the State Department of Health Services to submit a report in implementation of preadmission screening services to the Legislature on March 1, 1985.

Under existing law, the Multipurpose Senior Services Program is administered by the Health and Welfare Agency.

This bill would transfer the administration of the program to the Department of Aging.

The bill would appropriate \$3,541,000 from the General Fund for the purposes of this bill, as specified.

This bill would take effect immediately as an urgency statute.

Ch 1638 (AB 2443) M. Waters. Child abuse.

Various provisions of existing law deal with child abuse, including pilot projects in the area of child abuse and neglect prevention by the Office of Child Abuse Prevention.

This bill would enact the Maxine Waters Child Abuse Prevention Training Act of 1984 which would require the Office of Child Abuse Prevention to fund 2 prevention centers and to contract for and fund primary child abuse prevention programs, as defined, in each county.

The bill would require the office to select the programs to be conducted in each county through a competitive bidding process, as specified

This bill would appropriate \$11,250,000 from the General Fund to the office for the purposes of the bill.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would create a state-mandated local program by requiring local agencies and school districts to perform functions related to the program provided for under the bill

The appropriation provided for in the bill could, however, be used to defray state-mandated costs

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

This bill would take effect immediately as an urgency statute.

Ch. 1639 (SB 2293) Rosenthal. Motion picture industry

Existing law establishes a unit on motion picture development within the Division of Economic Development to promote the production of motion pictures within the state.

Existing law establishes the Motion Picture Council, specifies its membership and powers and authorizes the council to establish fees to be paid for the use of state-owned property and state employee services for the purpose of making commercial motion pictures.

This bill repeals those provisions, and would enact the Motion Picture, Television, and Commercial Industries Act of 1984. It would declare the Legislature's findings that motion picture development is important to the economy and culture of the state and there needs to be a concerted effort by state and local governments to provide an environment favorable to the motion picture industry in this state

This bill also would add various provisions assigning certain specified duties to the council relating to the promotion of the motion picture industry and would require the council to submit a report to the Legislature by December 31, 1985, assessing the use of tax incentives to encourage motion picture filming in California

Under existing law, the Director of General Services is the permitting authority for the use of state-owned property and state employee services for the purpose of making motion pictures

This bill would create a California Film Office within the Department of Commerce with specified duties

This bill, among other things, would require the California Film Office, instead of the Department of General Services, to be the permitting authority for permits for the use of state-owned property and state employee services, would require the office to implement a "one-stop" permit process for those applications, and would limit the fees set by the office to the cost of providing the property or services

This bill would require the office to refer applications to use state property and services to the appropriate state agency, which would be required to approve or deny the applications within specified time periods. However, applications for the use of services of California Highway Patrol officers would be required to be made to the Commissioner of the California Highway Patrol, as specified

This bill also would declare the intent of the Legislature to encourage local governments to develop uniform permit procedures and to charge fees for the use of agency property or employee services which do not exceed the estimated reasonable costs of providing the property or services for which the fees are charged, and to encourage local governments to establish departments where all the locally required permits could be

obtained at one location.

In keeping with this intent, the bill would establish until January 1, 1991, the Southern California Public-Private Film Commission, as specified, whose purposes shall be to create a regional permit pilot project and to act as a liaison between the motion picture industry and local government.

This bill would appropriate \$154,800 from the General Fund to the California Film Office for the purposes of the act from January 1, 1985, to June 30, 1985.

This bill would appropriate \$100,000 from the General Fund to the Department of Commerce for the purposes of the regional permit pilot project office, as specified.

In addition, this bill would appropriate \$39,200 from the General Fund to the Motion Picture Council for the purposes of the act from January 1, 1985, to June 30, 1985.

Ch. 1640 (AB 3951) Harris. Trial jurors: compensation

(1) Existing law sets the compensation of trial jurors in civil and criminal cases at \$5 per day and \$0.15 per mile actually traveled in attending court, one way, unless a higher fee or rate is otherwise provided by statute or county ordinance.

This bill would increase the fee for trial jurors to \$25 unless a different fee of not less than \$10 per day is set by county ordinance, thereby imposing a state-mandated local program. It would also make clarifying, nontechnical changes. The bill would also declare the intent of the Legislature in this regard.

(2) Article XIII B of the California Constitution and Section 2231 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. The statutory provision also specifies the manner for paying this reimbursement and requires any statute mandating these costs to contain an appropriation to pay for the costs in the initial fiscal year.

This bill would appropriate \$4,750,000 to the Controller for allocation and disbursement to local agencies and school districts for costs mandated by the state and incurred by them pursuant to this act.

Ch. 1641 (AB 82) Young. Taxation.

Existing property tax law requires the assessor to disclose information, furnish abstracts, or permit access to his or her records to designated state and local officials, entities, and agencies in prescribed circumstances.

This bill would impose a state-mandated local program by requiring the assessor to provide information, abstracts, or access to records to staff appraisers of the Department of Transportation, as specified.

This bill would require the Department of Transportation to reimburse the assessor for costs incurred in disclosing information, furnishing abstracts, or permitting access to records to staff appraisers of the department.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made by this act for a specified reason.

Ch. 1642 (AB 2970) Connelly. Unemployment assistance

Existing law provides that all money in the Unemployment Fund and in the Disability Fund is continuously appropriated without regard to fiscal years for the purposes of providing unemployment benefits until July 1, 1984. Existing law also provides that after July 1, 1984, no money in the fund which is continuously appropriated without regard to fiscal years may be encumbered unless the Legislature specifies that the moneys in the fund are appropriated for encumbrance.

This bill would delete the July 1, 1984, limitation on the continuous appropriation of the Unemployment Fund and the Disability Fund for providing unemployment and disability benefits.

The bill would take effect immediately as an act making an appropriation for usual current expenses.

Ch. 1643 (AB 3842) Mojonnier. Contempts.

Existing law authorizes a court to impose various sanctions for acts constituting contempt, including ordering the incarceration of a person who refuses to do an act within his or her power to perform.

This bill would provide that in any case in which the contempt consists of the refusal of a minor under the age of 16 years to take the oath or to testify, before imposing any sanction for that conduct, the court must first refer the matter to the juvenile probation officer for a specified report, thus imposing a state-mandated local program. It would authorize the imposition of a sanction for contempt prior to the receipt of the report and recommendation in specified cases.

It also would provide that in any such case in which the court orders the minor to be placed outside his or her home, the placement shall be in the least restrictive setting available, except as specified.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 1644 (SB 1678) McCorquodale. Contempt.

Existing law provides for the power of a court to imprison a person for contempt when the contempt consists of the omission to perform an act which is in the power of the person to perform, such a person may be imprisoned until he or she has performed the act.

This bill would (1) also prohibit the imprisonment, confinement, or otherwise placing in custody of a victim of sexual assault for contempt when the contempt consists of refusing to testify concerning that sexual assault, and (2) provide that if an order of contempt for refusing to testify about a sexual assault is made against the victim of such a crime, the execution of the sentence shall be stayed pending the filing of a petition for extraordinary relief testing the lawfulness of the court's order as specified. "Sexual assault" would be defined to include crimes such as rape, incest, oral copulation, and sodomy.

Ch. 1645 (AB 3642) Vasconcellos. Childbirth: alternative birthing methods study.

Existing law does not expressly require the Office of Statewide Health Planning and Development to conduct a study with respect to alternative birthing methods.

The bill would require the office to conduct that study, as specified, and would make certain findings and declarations in this regard. The bill would require the office to report the results of the study to the Legislature on or before March 30, 1986, and would create an advisory committee on healthy, humane birthing within the office, to serve until the above study is completed.

Ch. 1646 (SB 1333) Beverly. County transportation commissions: Los Angeles bonds.

(1) Under the Transactions and Use Tax Law, the Los Angeles County Transportation Commission is authorized to impose a retail transactions and use tax. The commission is not authorized to issue bonds.

This bill would enact the Los Angeles County Transportation Commission Revenue Bond Act to authorize the commission to issue bonds, including notes, as defined, payable from revenues or money of the commission except for specified money and revenues, and subject only to prior pledges of particular revenues for particular obligations, for the purpose of financing facilities for transit systems in the County of Los Angeles. The bill would authorize the commission to issue refunding bonds for refinancing under specified conditions. The bill would also require the commission to give priority to

construction of the overall transit system authorized in Los Angeles County Transportation Commission Ordinance No. 16, would require that no more than 30% of the cost of the initial segment of the Los Angeles Metro Rail project, as defined, be obtained from revenues obtained from sources authorized in the ordinance, and would limit the commission from issuing bonds exceeding \$100,000,000 to fund the rail project prior to December 31, 1986. The bill would require the bonds to be repaid from commission rail transit revenue and would require the commission and the Southern California Rapid Transit District to report to the Legislature, as specified, if bond proceeds are used for the system authorized in the ordinance. No additional bonds could be issued pursuant to the act after January 1, 1988, to finance portions of the rail project unless authorized by subsequent legislation.

(2) Under existing law, the issuer of any proposed new debt issue of state or local government is required to give written notice of the proposed sale to the California Debt Advisory Commission at least 10 days prior to the sale.

This bill would increase the notice requirement time to 30 days prior to the sale.

Ch. 1647 (AB 3978) Farr. Economic and business development: inventory of suitable lands.

Under existing law, the Department of Economic and Business Development, among other things, is required to advise the Governor, the Legislature, and the Secretary of the Business, Transportation and Housing Agency on the problems, recommendations, and concerns of the business community.

This bill would state legislative findings regarding the usefulness of computerized land inventories for industrial and commercial expansion in undeveloped areas of the state.

This bill would state legislative intent that the department seek advisers, as specified, to aid in carrying out the provisions of this bill and that the director consult with certain legislative committees and the Lieutenant Governor on the identification of these advisers. This bill would also require the Director of Economic and Business Development to prepare a report, as specified, for submittal to the Legislature by December 31, 1985.

This bill also would appropriate \$58,000 from the General Fund to the Department of Economic and Business Development for the purpose of preparing a report pursuant to this act.

The provisions of the bill would be repealed on January 1, 1986.

Ch 1648 (AB 1232) Alatorre State general obligation bonds.

(1) Existing law provides that the Treasurer shall sell state general obligation bonds at public sale to the bidder whose bid will result in the lowest net interest cost on account of those bonds.

Existing law requires the Treasurer to reject all bids for the bonds which will be below par value plus accrued interest.

This bill would limit the applicability of the above provisions to bonds authorized at any statewide election held before the effective date of this bill, and would enact new provisions, as specified, applicable to state general obligation bonds authorized at any statewide election held after the effective date of this bill.

(2) Existing law, operative until June 30, 1985, authorizes the Controller, under specified circumstances, to draw demands against legislative appropriations from the General Fund which are required to be paid in the then current fiscal year, and to deliver them to the Treasurer. The Treasurer is required to register the demands for nonpayment and to notify the Controller, who could then authorize the Treasurer to issue and sell notes of the State of California to satisfy the registered demands.

This bill would instead require the Controller to notify the Pooled Money Investment Board of the registered demands, and the board would be required to advise the Governor, as specified. If the Governor does not otherwise direct the board, the board could then authorize the Treasurer to issue and sell notes of the State of California to satisfy the registered demands.

This bill would also permit, rather than require, the notes to be issued on a fixed-maturity date and would authorize the notes to be payable upon demand of the holder of the note. In addition, the notes could be made subject to prepayment or redemption at the option of the state or the holder.

The bill would also delete the June 30, 1985, termination date and would make a

technical, nonsubstantive change regarding legislative intent.

(3) Under existing law, the Veterans Bond Act of 1984 shall be submitted to the voters at the statewide election occurring on November 6, 1984.

This bill would make a technical change in a procedural provision governing the submission of the Veterans Bond Act of 1984 to the voters

(4) The bill would take effect immediately as an urgency statute

Ch 1649 (AB 2976) Nolan Medi-Cal.

Under existing law, pharmacists receive reimbursement for professional services to recipients of Medi-Cal.

This bill would appropriate \$640,000 in augmentation of a specified item of the Budget Act in order to provide a 5% increase in the pharmacists' dispensing fee.

Ch 1650 (AB 1172) Elder Environmental quality: pipeline projects.

Under the California Environmental Quality Act, lead public agencies, state and local, are generally required to prepare or cause to be prepared by contract, and to certify the completion of, an environmental impact report on any discretionary project, as defined, that they propose to carry out or approve which may result in a substantial, or potentially substantial, adverse effect on the environment or, if they determine that a proposed project will not have that effect, to adopt a negative declaration

This bill would exempt from that act a pipeline project, as specified, of less than one mile within a public right-of-way

Ch 1651 (AB 4034) W Brown. Education regional science resource centers.

Existing law establishes various programs to provide teacher training and educational services.

This bill would declare the legislative intent to create and expand regional science resource centers to increase educational and training opportunities for the teachers and students of California.

The bill would require the Superintendent of Public Instruction to designate eligible nonprofit agencies to serve as regional science resources centers, and to allocate funds to applicant centers, as specified. The use of funds so allocated would be limited to certain specified purposes

This bill would specify that funds allocated to a regional science resource center pursuant to the provisions of this bill shall supplement, and shall not supplant, funding for the continuing efforts of these centers to provide teacher training or educational services to public schools.

This bill would require the superintendent to designate one regional science resource center to receive funding pursuant to the provisions of this bill for the 1984-85 fiscal year. The bill would also require the superintendent to evaluate the progress of the designated center, to provide information to the Legislature and the Governor during hearings on the Budget Act of 1985 regarding the progress of the designated center, and to submit a plan for the statewide expansion of regional science resource centers at that time.

This bill would appropriate \$750,000 to the Superintendent of Public Instruction, to be allocated as specified, for the purposes of this bill.

This bill would take effect immediately as an urgency statute.

Ch 1652 (AB 2027) Felando Pilots for San Francisco, San Pablo, and Suisun Bays study task force.

Existing law provides for the Board of Pilot Commissioners for San Francisco, San Pablo, and Suisun Bays to regulate pilots engaged in piloting vessels from the high seas to the Bays of San Francisco, San Pablo, and Suisun and the ports thereof, and from those bays and ports to the high seas.

This bill would create a task force, with prescribed membership, to review the existing piloting laws and regulations for the San Francisco, San Pablo, and Suisun Bays and to report its findings and recommendations to the board on or before January 1, 1985

The bill would become operative on the date that AB 1768 is chaptered

The bill would take effect immediately as an urgency statute.

Ch. 1653 (AB 1768) Papan. Pilots for San Francisco, San Pablo, and Suisun Bays.

(1) Under existing law, pilots licensed by the Board of Pilot Commissioners for San Francisco, San Pablo, and Suisun Bays have exclusive authority to pilot vessels from the high seas to the Bays of San Francisco, San Pablo, and Suisun and the ports thereof, and from those bays and ports to the high seas. They may also pilot vessels between and within the ports of those bays, but that interior pilotage is not compulsory, nor is the interior pilotage prohibited to persons not licensed by the board.

This bill would provide, to the extent not provided otherwise by federal law, that only pilots licensed by the board who are not the master or owner of the piloted vessel have the right of pilotage between and within the ports of those bays, except as specified, including persons piloting vessels pursuant to the valid regulatory authority of the Ports of Sacramento and Stockton, persons piloting vessels when a pilot is not available or is unable to reach the vessel, persons piloting vessels sailing under an enrollment, or persons who are licensed inland pilots, or specified shipping companies' employees. The bill would provide that vessels using pilotage services and the owners, operators, and agents of these vessels are jointly and severally liable for pilotage fees, the loss or damage to a pilot's vessel caused by assisting a vessel in distress, and the expenses incurred for unnecessarily detaining a pilot on a vessel. The bill would repeal certain provisions concerning a pilot's powers to prevent unauthorized persons from boarding a vessel.

The bill would declare the Legislature's intent to provide for a unified system of state regulated bar and inland pilotage for the Bays of San Francisco, San Pablo, and Suisun and the ports and tributaries of those bays, and would make related findings. The bill would require, upon application, the board to issue a pilot's license to those existing inland pilots, as specified, who apply for the license by March 31, 1985, and also would require the board to issue an inland pilot's license to these inland pilots who apply on or before March 31, 1985, which license would be required to be renewed annually. The bill would also specify related powers and duties of the board, and would make related changes.

The bill would require that, on or before January 31, 1985, all pilots licensed by the board other than retiring pilots have federal endorsements allowing them to pilot on the high seas and on all waters of the bays, except for the Ports of Sacramento and Stockton, and would require all those applying for a license on or after January 1, 1985, who have not served as bar or inland pilots on the bays, to have a proper federal endorsement before receiving a license.

(2) Existing law provides for a Board of Pilot Commissioners and prescribes its membership and duties concerning the licensing of pilots.

This bill would expand and revise the membership of the board to include representatives of the pilots, and industry, nominated in accordance with prescribed procedures and appointed by the Governor with the consent of the Senate.

(3) Existing law appropriates moneys deposited in the State Treasury to the credit of the Board of Pilot Commissioners' Special Fund for the payment and compensation of the board and its officers and employees.

This bill would additionally appropriate these moneys for the pilot training program.

(4) Existing law also authorizes the Pilotage Rate Committee to administer and review the San Francisco Bar Pilots Pension Plan.

The bill would transfer that authority to the board.

(5) Existing law requires the board to appoint and license a specified number of pilots, not less than 24 nor more than 40, and gives the board the exclusive authority to determine the qualifications for obtaining a pilot's license.

This bill would require the board to appoint that number of pilots sufficient to carry out the provisions governing pilots by taking into consideration specified factors and would delete the specified minimum and maximum numbers of pilots and the minimum and maximum age requirements for pilots. The board would be required to adopt, by regulation, a pilot's conflict-of-interest code, which would include prohibiting having an interest in specified tugboats. The bill would also require the board to adopt, by regulation, training standards and a training program established by the board for newly appointed pilot candidates and require the board to adopt licensing standards for these pilots, which would be required to be equal to, or exceed, the standards for the obtaining of federal endorsements. The board also would be directed to adopt rules and regulations requiring all pilots to be qualified to perform all pilot duties and would authorize

the board to establish a pilot evaluation committee to conduct the training program. The board would be prohibited from issuing a pilot's license to any person who does not receive a certificate of completion of the training program.

(6) Existing law prescribes pilotage rates for the Bays of San Francisco, San Pablo, and Suisun

This bill would increase that rate by $\frac{1}{4}$ of a mill per high gross registered ton for every existing inland pilot licensed as a pilot and decrease the rate by $\frac{1}{2}$ of a mill for each net reduction in the number of licensed pilots, thereby making an appropriation. The bill would specify that the charge applies to pilotage passing through the Golden Gate to or from the high seas to or from a prescribed area, and would require that the rate for pilotage beyond that point include an additional movement fee as specified by the board.

(7) Until January 1, 1984, existing law requires pilotage between and within the bays to be set by the Legislature, and after that date, pilotage rates are to be at rates agreed upon by the parties. Existing law also establishes a Pilotage Rate Committee and prescribes its powers and duties, including making recommendations to the Legislature concerning bar pilotage rates

This bill would repeal those provisions, transfer the duties of the committee to the board, and require the board to recommend that the Legislature adopt, by statute, a schedule of pilotage rates for those movements or operations not covered by the rate discussed above. Until the Legislature adopts the schedule of rates, the rates on January 1, 1985, would be the schedule of ship pilot fees, Pacific Maritime Region, San Francisco Bay and tributaries, then in effect. The bill would require the board, by June 30, 1985, to review all pilotage rates that will be in effect and to adjust these rates, as specified

(8) The bill would expressly declare that these provisions are severable, if any portion of this bill is held invalid.

(9) The bill would also define terms and make conforming changes.

(10) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by creating a new crime.

However, the bill would provide that no appropriation is made for these purposes and no reimbursement is required by this act for a specified reason.

Ch. 1654 (AB 3535) Costa. Water rights statutory adjudications.

(1) Under existing law, as soon as practicable after granting a petition requesting a statutory adjudication of water rights, the State Water Resources Control Board is required to prepare and issue a notice setting forth prescribed information

This bill would also require the board, within 60 days after the date by which claimants to rights to the water of the stream system are required to notify the board in writing of their intention to file proof of claim, to prepare and file for record, as prescribed, in the office of the county recorder of each county in which any part of the stream system is situated, a notice setting forth specified information

(2) Under existing law, the board, within 30 days after notice to the parties of entry of an order of determination in a statutory adjudication of water rights, may, for good cause shown, reopen the proceedings and grant a rehearing

This bill would instead specify procedures and requirements under which the board may order a reconsideration of all or part of an order of determination on the board's own motion or on petition of any party affected by the order. The bill would provide for adoption of the order of determination, rather than entry in the records of the board, and would make related changes.

(3) Under existing law, the Legislature has declared its intention to reimburse local agencies for half the costs of certain levee maintenance or improvement in the Sacramento-San Joaquin Delta in excess of \$1,000 per mile out of the Resources Account in the Energy and Resources Fund, up to a total of not more than \$2,000,000 per year

This bill would, instead, declare that it is the intent of the Legislature that this reimbursement come from the General Fund, and would appropriate \$2,000,000 from the General Fund to the department for these purposes

Ch. 1655 (AB 178) N Waters. Water rights.

Under existing law, the State Water Resources Control Board is required to consider and act upon all applications for permits to appropriate water. In acting upon applications, the board is required to be guided by the policy that domestic use is the highest use and irrigation is the next highest use of water.

The bill would declare that a protected area, as defined, shall not be deprived directly or indirectly of the prior right to all the water reasonably required to adequately supply the beneficial needs of the protected area or any of the inhabitants or property owners therein. The bill would specify that water users in a protected area shall have the right to purchase, for adequate compensation, water made available by the construction of any works by a water supplier exporting or intending to export water for use outside a protected area.

The bill would be applicable to a water supplier exporting or intending to export water for use outside a protected area pursuant to applications to appropriate surface water filed, or groundwater appropriations initiated, after January 1, 1985.

The bill would require a water supplier exporting or intending to export water for use outside a protected area, at the request of users within the protected area, to meet and negotiate in good faith for the purpose of entering into contracts for the purchase of water, as provided above, and would prescribe related matters.

The bill would, with a specified exception, prohibit groundwater pumping for export from within the combined Sacramento and Delta-Central Sierra Basins unless the pumping is in compliance with a groundwater management plan meeting specified requirements.

The bill would make related legislative findings and declarations.

Ch. 1656 (AB 3792) Isenberg Water: Los Banos Grandes Reservoir

Under existing law, the state is authorized to construct and operate specified water development facilities as part of the State Water Resources Development System.

This bill would authorize as part of the system, for specified purposes, the Los Banos Grandes Reservoir to be located south of the Sacramento-San Joaquin Delta, would require the Department of Water Resources in conducting feasibility investigations to consider the impact of the project in adjacent farm areas, as specified, and would provide for related matters.

Ch 1657 (AB 3100) Isenberg. State employees' home addresses and home telephone numbers: disclosure.

Existing law requires that the public records of every state and local agency, as those terms are defined, shall be open to public inspection, except as specified.

This bill would provide that the home addresses and the home telephone numbers of state employees shall not be public records open to public inspection. It would authorize disclosure of that information to an agent or a family member of the individual to whom the information pertains, to an officer or employee of another state agency when necessary for the performance of its official duties, to an employee organization pursuant to regulations of the Public Employment Relations Board (PERB), except for the home addresses and home telephone numbers of state employees performing law enforcement-related functions, and to an agent or employee of a health benefit plan which provides that service or administers the claims for enrolled state employees and their dependents when needed to provide the service or administer the claim.

This bill would, upon written request by an employee, prohibit a state agency from disclosing the employee's home address or home telephone number to an employee organization pursuant to regulations of the PERB and require a state agency to remove the employee's home address and home telephone number from any mailing list maintained by the agency, except if the list is used exclusively by the agency to contact the employee.

This bill would not apply to any court action filed prior to April 1, 1984.

This bill would provide that its provisions shall not be construed to limit or affect specified provisions of law.

Ch. 1658 (AB 2913) Agnos Mental health.

Under existing law, the Director of Mental Health is required to establish a pilot project for brain-damaged persons for one year to be conducted by contract with an appropriate nonprofit community agency

This bill instead would require the director to contract with a nonprofit community agency meeting certain requirements to act as the Statewide Resources Consultant and to also contract with nonprofit community resource agencies to establish regionally based resource centers to provide specified services to brain-impaired adults

This bill would appropriate \$1,700,000 for the 1984-85 fiscal year for the purpose of the bill.

This bill would take effect immediately as an urgency statute.

Ch 1659 (AB 2786) Katz. Emergency procedures: earthquakes and disasters

(1) Under existing law, the governing board of each school district is required to maintain schools and classes as provided by law

This bill would impose a state-mandated local program by requiring the governing board of each school district and the county superintendent of schools of each county to establish an earthquake emergency procedure system, as specified, in every public school building under its jurisdiction having an occupant capacity of 50 or more students or more than one classroom

This bill would also require the governing board of each private school to establish emergency earthquake procedure systems in every school building having an occupied capacity of 50 or more students or more than one class.

(2) Under current provisions of the so-called "Civic Center Act," the governing board of a school district may grant the use of school facilities or grounds to public agencies, including the American Red Cross, for mass care and shelters during disasters or other emergencies affecting the public health and welfare. In addition, the governing board of a school district is authorized to provide any services deemed necessary by the governing board to meet the needs of the community

This bill would impose a state-mandated local program by requiring the governing board of a school district to grant the use of school buildings, grounds, and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The governing board of a school district would also be required to cooperate with these public agencies in furnishing and maintaining such services as the governing board may deem necessary to meet the needs of the community

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(4) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch 1660 (AB 3831) Condit Child abuse.

Under existing law, the Office of Criminal Justice Planning is authorized to assist in the development of policy regarding criminal justice and delinquency prevention.

This bill would, to the extent funds are provided in the 1985-86 Budget Act, require the office to conduct a pilot project in not more than 3 counties requiring counseling for persons convicted in the pilot counties, designated from among counties that wish to participate, of specified sexual crimes against a minor, who are confined or placed on probation in the pilot project county. The bill would require the convicted person to pay a fee for the counseling according to ability to pay

This bill would require the county mental health department to assign the counselor, determine and collect the fee, and make a report to the Legislature.

This bill would also require the Office of Criminal Justice Planning and the county

mental health department in each participating county to submit specified reports to the Legislature.

Ch. 1661 (AB 3000) Harris Family law

Under existing law, except upon the written agreement of the parties, or oral stipulation of the parties in open court, the court, in a judgment of dissolution of marriage or legal separation, is required to divide the community and quasi-community property of the parties equally. However, educational loans are required to be assigned to the spouse receiving the education, except as specified.

This bill also would provide for the reimbursement of the community for community contributions to the education or training of a party, as defined, that substantially enhances the earning capacity of the party, as specified.

Under existing law, in a judgment decreeing the dissolution of a marriage or a legal separation, the court may order a party to pay to the support of the other party any amount, and for any period of time, as the court may deem reasonable. In making such an award the court is required to consider certain circumstances of the respective parties.

This bill would also require the court, in making such an award, to consider the extent to which the supported spouse contributed to the attainment of an education, training, or a license by the other spouse.

It also would make a technical change.

This bill also would make further changes in Section 4800 of the Civil Code, contingent upon the enactment and prior chaptering of AB 1460.

Ch. 1662 (AB 3938) Farr Community colleges. contractual instruction agreements: handbook in-service training

(1) Existing law authorizes the governing board of any community college district to establish classes on a contractual basis under prescribed conditions and subject to specified requirements.

This bill would authorize the governing board of any community college district, or with one or more community college districts, to establish contractual education programs within or outside of the state by agreement with any public or private agency, corporation, association, or any other person or body, to provide specific educational programs or training. This bill would require that the contracting community college district or districts shall recover from all revenue sources an amount equal to, but not to exceed, the actual costs incurred in providing these programs or training. This bill would prohibit the attendance of students enrolled in these contractual education programs from being included for purposes of calculating the average daily attendance of these students for purposes of making apportionments to these districts.

This bill would require the Chancellor of the California Community Colleges, on or before February 1, 1985, to appoint a task force to include representatives from specified groups and organizations to prepare a study on the use of contractual education programs by community college districts, as specified.

This bill would require the task force, on or before January 1, 1986, to submit a report to the chancellor and the Legislature regarding its recommendations for contractual education programs, as specified. This bill would specify that in the event that additional time is necessary, the deadlines for the report may be extended up to June 30, 1986. The bill would express the legislative intent that the report be transmitted to any entity designated by the Legislature to review the mission of the California Community Colleges.

This bill would appropriate \$100,000 to the chancellor for the 1984-85 fiscal year for purposes of implementing the provisions regarding the task force.

(2) Existing law authorizes community college districts to maintain various types of vocational education programs.

This bill would establish the Community College Vocational Education and Technology Instructor and Counselor In-Service Training Pilot Program, within the office of the chancellor, to provide funding to community college districts which operate in-service training programs, as specified. These provisions would be repealed January 1, 1989. This bill would appropriate \$2,000,000† to the chancellor for the operation of community

† Appropriation in Section 6 (b) of chapter of \$1,500,000 deleted by action of the Governor

college instructor and counselor in-service training programs for the 1984-85 and 1985-86 fiscal years. It would require the chancellor to submit a report regarding the pilot program including specified information to the Legislature by November 30, 1986.

Ch. 1663 (AB 281) Peace Use fuel taxes exemption

Under the Use Fuel Tax Law, a tax is imposed on diesel fuel at the rate of 9¢ per gallon. However, under the Mills-Hayes Act, a tax is imposed at the rate of 1¢ per gallon on diesel fuel used by specified public and private transit entities.

This bill would include within the Mills-Hayes Act school districts, community college districts, and county superintendents of schools when providing transportation services for pupils, as specified, and private entities under contract or agreement with those school entities to provide those services

† The bill would cancel certain taxes, interest, and penalties in connection with the above exemption, would permit certain existing tax liabilities to be paid over a 10-year period, and would require the Controller to transfer \$435,000 from the General Fund to the Highway Users Tax Account in the Transportation Tax Fund to reimburse the account for any revenue loss caused by these cancellations

† The bill would also require the Controller, commencing with the 1984-85 fiscal year, to annually transfer from the General Fund to the Highway Users Tax Account, the amount determined by the State Board of Equalization to be necessary to fully reimburse the account for any revenue loss caused by including the new entities under the Mills-Hayes Act.

The bill would take effect immediately as a tax levy, but would become operative on October 1, 1984.

Ch. 1664 (AB 3684) Vasconcellos. Child sexual abuse prevention training programs.

Existing law provides for the establishment of a child sexual abuse prevention demonstration center by the State Department of Health Services, as specified

This bill would repeal those provisions of law and instead provide for the selection of 2 child sexual abuse prevention training centers, the executive director of the Office of Criminal Justice Planning, to receive funding pursuant to the bill, as specified. The functions and goals of the programs developed by the centers would be identical to those of the center established pursuant to existing law.

It also would require the centers to develop specified training programs and would require the Office of Criminal Justice Planning to administer programs of grants to community nonprofit sexual abuse treatment programs, as specified.

The bill would appropriate \$1,000,000 from the General Fund to the Office of Criminal Justice Planning, for the 1984-85 fiscal year, to be allocated to the training and grant programs, as specified.

The bill would take effect immediately as an urgency statute

Ch. 1665 (SB 185) Beverly Peace officers.

Under existing law, it is a misdemeanor for any executive or ministerial officer, employee or appointee of the state, county or city or political subdivision to accept compensation for any official act except as authorized by law. However, the proscription does not preclude a peace officer from engaging in certain off-duty employment for a public entity, and exercising the powers of a peace officer while so employed, provided that, among other things, the peace officer is in a police uniform

This bill would delete from the above requirements for exemption from the proscription against being compensated for official acts, the requirement that the off-duty peace officer work for a public entity, but would require employment for a private employer to be approved, as specified, and would require that the wearing of uniforms and equipment for a private employer be approved by the principal employer

Existing law provides for an enhanced penalty for a battery against various persons including peace officers, custodial officers, fire fighters, emergency medical technicians or mobile intensive care paramedics (\$2,000 fine or imprisonment in the county jail not exceeding one year, or both, or, if an injury is inflicted on the victim, imprisonment in

† Appropriations in Section 2 of chapter deleted by action of the Governor

the county jail for not more than a year, or \$2,000 fine, or imprisonment in the state prison for 16 months, or 2 or 3 years).

This bill would include certain publicly employed lifeguards, as defined, among the category of persons for which an assault or battery would require an enhanced penalty described above, thereby creating a state-mandated local program.

Existing law provides that a battery against a peace officer while off duty is punishable the same as a battery against an on-duty peace officer who, among other things, is in a police uniform working for a public entity.

This bill would impose a state-mandated local program by providing for increased punishment for battery against an off-duty peace officer, as specified, by deleting the requirement that the off-duty peace officer work for a public entity.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1666 (SB 1134) Richardson Self-defense.

Existing law provides that homicide is justifiable when committed in defense of habitation, property, or person against one who manifestly intends and endeavors in a violent, riotous, or tumultuous manner, to enter the habitation of another for the purpose of offering violence to any person therein, or when committed in lawful defense of the person or of a spouse, parent or child where there is reasonable ground to apprehend a design to do some great bodily injury and imminent danger of the design being accomplished. Resistance sufficient to prevent the offense may lawfully be made by the person about to be injured to prevent an offense against his person, or his family or a member thereof, or to prevent an illegal attempt by force to take or injure property in his lawful possession.

This bill would provide that any person using force intended or likely to cause death or great bodily injury shall be presumed to have held a reasonable fear of imminent peril of death or great bodily injury to self, family, or a member of the household when that force is used against another person, not a member of the family or household, who unlawfully and forcibly enters or has unlawfully and forcibly entered the person's residence and the person using the force knew or had reason to believe that an unlawful and forcible entry occurred.

Ch 1667 (SB 2274) Watson. Alcohol programs

Under existing law, the State Department of Social Services licenses certain alcoholism recovery facilities under the California Community Facilities Act. The State Department of Alcohol and Drug Programs is authorized to establish minimum standards for direct and indirect services, including alcoholism recovery facility services. These standards are advisory unless imposed as requirements pursuant to regulations. The department is also authorized to certify direct and indirect service programs by applying these standards.

This bill would, instead, require the State Department of Alcohol and Drug Programs to license alcoholism recovery facilities, as defined, and exempt these facilities from the California Community Care Facilities Act. However, this bill would continue the application of certain provisions relating to local regulation to these facilities.

This bill would also continue the department's authority to develop the advisory program standards for direct and indirect alcoholism services and provide guidelines for the development of the standards.

The bill would continue to authorize the department to grant certification by applying the advisory standards to alcoholism programs requesting it, but would require, in addition, that the department grant the certification when requested on the basis of accreditation of the alcoholism program by a recognized statewide or national alcohol program whose accreditation meets or exceeds the department's standards. This bill would also specify that the certification shall satisfy the requirements of certification for the purpose of eligibility for certain funds from vehicle fines and forfeitures.

This bill would incorporate changes in Section 1505 of the Health and Safety Code, proposed by SB 1754, or AB 469, or both, but only if SB 1754 or AB 469, or both are chaptered and become effective, and this bill is chaptered last

Ch. 1668 (SB 585) Seymour. Special education

Existing law establishes special education programs for individuals with exceptional needs and specifies the requirements of local plans for implementation of the programs by local educational agencies, and provides that the service area covered by the plan which is submitted shall be known as the special education local plan area. This area is determined by the election of the governing board of a school district to do one of the following: (1) if the district is of sufficient size and scope, submit a plan for the education of all individuals with exceptional needs residing in that district, (2) submit a plan in conjunction with one or more districts for individuals with exceptional needs residing in those districts, or (3) join with the county office to submit a plan for all individuals with exceptional needs residing in the geographic area being served by the plan.

This bill would eliminate the size and scope limitation in (1) above on a pilot project basis for certain school districts selected by the Superintendent of Public Instruction in Orange County with an average daily attendance of 9,000 or more, thus permitting these school districts to submit a plan for individuals with exceptional needs residing in those districts. This bill would require districts selected to participate in the pilot project which elect to implement local plans pursuant to specified statutory provisions to submit the plan to the superintendent by January 15 of the year of withdrawal from the special education services region. The project would end June 30, 1987. The bill would require the State Department of Education to evaluate the effects of this project and report its findings to the Legislature on or before November 1, 1985, and again, thereafter, on or before January 1, 1987, and would specify some of the information which would be required in these reports. If the superintendent finds that this level of service has declined in a specified geographic area, the bill would require the superintendent to notify the school district and require that on July 1 following this notification, the school district rejoin the special education services region from which it withdrew. The bill would provide that nothing in the provisions relating to the creation of a special education local plan area shall limit the authority of county offices and school districts to enter into contractual agreements for the provision of services relating to the education of individuals with exceptional needs.

Ch. 1669 (AB 2312) Hayden. Santa Monica Mountains Conservancy.

Existing law authorizes the Santa Monica Mountains Conservancy to award grants or interest-free loans to cities, counties, recreation and park districts, and resource conservation districts for acquiring and improving real property within the Santa Monica Mountains zone for specified purposes.

This bill would authorize the conservancy to award grants to specified nonprofit organizations to carry out improvements, maintenance, acquisitions, or educational interpretation programs directly related to a project which the conservancy is authorized to carry out under the Santa Monica Mountains Conservancy Act. Any grant awarded to a nonprofit organization under the bill would be subject to the review and approval of the Department of General Services. The nonprofit organization would have no authority to expend grant funds for any purpose other than the purposes specified in the bill. The executive director of the conservancy would be required to submit a notice to the Department of Finance 30 days prior to award of a grant.

Ch. 1670 (AB 1878) Davis. Job Development Act of 1984

Existing law designates various state departments and boards to implement the Governor's economic policies.

This bill would require the Governor to appoint an existing cabinet secretary, who has been confirmed by the Senate, and shall be known, as the Governor's Secretary for Job Development. Among other duties, the Governor's Secretary would be required to serve as the state's primary representative for attracting business to, and retaining business within, the state.

This bill would specify the powers and duties of the Governor's Secretary who would be authorized, among other things, to negotiate written agreements with persons or

corporations who desire to locate or expand their operations in the state, as specified. Any such agreement would not create an obligation, debt or liability against the state. It would require the Governor's Secretary to submit annual reports to the Governor and the Legislature on the jobs that have been created and the investment that has occurred as a result of activities of the Governor's Secretary.

This bill would remain in effect only until December 31, 1986, and would then be repealed unless a later enacted statute deletes or extends that date.

This bill would take effect immediately as an urgency statute.

Ch. 1671 (AB 1460) McAlister Family law: husband and wife.

Existing law delineates the rights and obligations inherent in the relationship of husband and wife, including the liability of the property of married persons for debt.

This bill would revise the provisions of law relating to the liability of the property of married persons for debt (which would be defined to include any obligation incurred by a spouse before or during marriage, whether based on contract, tort or otherwise), including repealing existing statutes providing for the order of satisfaction of certain debts from the community and separate property of spouses and providing instead for a right of reimbursement, as specified, requiring a court, in a dissolution action, in dividing the debts, to consider the earning capacity of the parties and other relevant factors, as specified; and providing that the quasi-marital property of an annulled marriage is liable for debts of the parties to the same extent as if the property had been community property or quasi-community property.

It also would make related changes

It also would incorporate additional changes in Section 4800 of the Civil Code, contingent upon the enactment and prior chaptering of AB 3000. It also would make further changes to 2 sections that would be added to the Civil Code by this bill contingent upon the chaptering of this bill after AB 3472

Ch. 1672 (AB 3850) McAlister. Legislative committees: witnesses

(1) Existing law provides for the issuance of legislative subpoenas

This bill would require that permission of the Rules Committee of the applicable house be secured prior to issuance of a legislative subpoena.

(2) Under existing law, a person may be sworn and required to testify or produce written materials before the Senate, Assembly, or a legislative committee, and in that event, the person cannot be held to answer criminally or be subject to any penalty or forfeiture for any fact or act touching which he or she is required to testify.

This bill would specifically provide that a person cannot be subject criminally to any penalty or forfeiture in these circumstances.

(3) There is no provision of existing law which specifically authorizes the Senate, Assembly, or a legislative committee to swear a witness under penalty of perjury, without conferring to the witness immunity from criminal prosecution.

This bill would specifically establish that authority, subject to specified conditions

Ch. 1673 (AB 3593) Davis Hazardous waste

(1) Existing law authorizes the Attorney General, at the request of the State Department of Health Services or upon the Attorney General's own motion, to bring an action to enjoin violations of hazardous waste provisions and seek civil and criminal penalties against a violator of these provisions.

This bill would require the Governor to establish a Hazardous Waste Enforcement Unit within the department and to appoint an enforcement coordinator to administer that unit and perform specified duties

The bill would require the department to establish a statewide Hazardous Waste Strike Force, consisting of representatives from specified agencies, to establish a standardized enforcement program and to publicize the statewide 24-hour phone numbers which are available for hazardous waste violations information

The bill would direct that these provisions be funded from the department's existing resources

The bill would repeal these provisions on January 1, 1988

(2) Existing law requires civil penalties collected for violation of specified provisions of the hazardous waste control law to be deposited in the Hazardous Waste Control

Account and requires the department to pay half of any penalty awarded to either the city or county if the action is brought by either such entity, or the actual costs of prosecuting the case in which the penalty was awarded, whichever is less, after deducting an amount paid for rewards to persons providing information.

This bill would instead require all civil and criminal penalties so collected to be apportioned so that 50% is deposited in the Hazardous Waste Control Account, 25% is paid to the office of the city attorney, the district attorney, or the Attorney General, whichever office brought the action, and 25% is paid to the department to fund specified activities of local health officers [, after deductions for the above rewards]* .

Ch. 1674 (AB 3400) Costa Fiscal affairs.

Existing law imposes upon counties matching funds requirements for various federal and state-mandated programs.

This bill would appropriate \$4,579,031 from the General Fund to the Controller to be distributed on or before November 1, 1984, to certain counties in order to meet expenditures set forth in their 1984-85 final budgets

This bill would take effect immediately as an urgency statute.

Ch. 1675 (AB 3228) Clute. Schools. testing

(1) Existing law requires the State Board of Education to require a testing program in all school districts, and requires the board to designate the physical performance test, as defined, to be used in the public schools during the ensuing school year.

Existing law specifies that during either the month of March, April, or May, the governing board of each school district shall administer to each pupil the physical performance test designated by the State Board of Education, as prescribed. Existing law requires each school district, upon the request of the State Department of Education, to submit the results of its physical performance testing at least once every 2 years

This bill would also define the physical fitness test required to be administered in the public schools This bill would specify that commencing with the 1986-87 school year, either during the month of March, April, or May, the governing board of each school district maintaining specified grade levels shall administer a health-related physical fitness test designated by the Superintendent of Public Instruction to pupils enrolled in those grades This bill would require each school district to submit to its governing board and the State Department of Education the results of its health-related physical fitness testing by July 15 of each year. This bill would require the department to compile the results of the annual testing and to submit a report each year to the appropriate policy committee of each house of the Legislature for purposes of comparing the performance of California pupils to the national norms

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would also impose state-mandated costs by requiring school districts to submit an annual report regarding the results of its health-related physical fitness testing

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(3) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1991, the provisions contained in the bill for which state reimbursement is required

Ch. 1676 (AB 1274) Young. Auctioneers.

Existing law provides for the California Auctioneer Commission, and for a board of governors to administer the business of the commission and the provisions of the Auctioneer and Auction Licensing Act Existing law further provides for the licensing and regulation of persons engaging in the practice of auctioneering or operating an auction house or auction company

This bill would add the office of secretary to the board of governors, increase the per

diem compensation of board members from \$50 to \$100, and authorize the board to establish standards for the approval of schools of auctioneering.

Existing law requires any person acting as an auctioneer at an auto auction to be licensed as an auctioneer.

This bill would authorize any person who is licensed as a salesman by the Department of Motor Vehicles to act as an auctioneer at an auto auction

Existing law exempts from the requirement of licensing any auction conducted pursuant to a judicial order or settlement of a decedent's estate

This bill would delete that exemption.

Existing law requires that license applicants each submit 2 character references and demonstrate knowledge of the value of items commonly sold at auction.

This bill would eliminate those requirements, and would specify that applicants may be required to demonstrate knowledge of state commercial, criminal, and vehicle laws relating to auctioneering. This bill would also revise the conditions for issuance of a temporary permit and require, as a condition of waiver of the examination requirement for nonresident applicants, that the licensing requirements of the jurisdiction in which the applicant is licensed be at least as stringent as those in effect in California. The bill would further specify alternatives to the filing of a fiduciary bond with the commission

This bill would increase the examination fee from \$35 to \$50, and the maximum fee set by the board for obtaining or renewing a license from \$200 to \$600.

This bill would require specified disclosures to auction audiences of the conditions and procedures affecting the auction sale, including the existence of any encumbrances, and require that the auctioneer possess a pocket card containing licensing information. This bill would also provide that licensing is a prerequisite to compensation for any act or service for which a license is required.

Under existing law, violation of the act is a misdemeanor. This bill would add the provision that any person who knowingly engages an unlicensed person or organization to perform any act or service for which an auctioneer or auction company license is required is guilty of a misdemeanor.

This bill would provide for injunctive and other relief in response to any violation of the act, and would set forth fines for specified violations. It would be a violation of the act to aid another in committing any violation, to subvert any licensing examination, and, as to an auction company, to direct or knowingly permit an auctioneer employed by or under contract with the company to commit a violation. It would be grounds for finding a violation of the act, or for denial of a license application, to be adjudicated a bankrupt. It would further be prohibited to sell auction items without a written contract between the auction company and auctioneer, when applicable, or to breach such a contract. [This bill would authorize the owner of goods to bid on his or her own items without notifying the audience if there is a written authorization from the licensee.]

Existing law prohibits the owner, consignee or agent thereof of any items or items for sale at an auction from bidding on those items unless (1) the intent to so bid is disclosed to the audience; (2) the bid does not exceed any minimum; and (3) the auctioneer has authorized the owner to bid on his or her own merchandise.

This bill would delete those provisions and would authorize the owner of goods to bid on her or her own items without notifying the audience if there is a written authorization from the licensee.*

This bill would provide, in the event of a finding by the executive officer of a violation, for the issuance of a citation and assessment of a fine, and for an opportunity for appeal by the licensee to a disciplinary review committee and to the board of governors. This bill would also establish a procedure for review when an application for a license is denied.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would mandate a new program or higher level of service by expanding the scope of an existing crime

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1677 (AB 2841) Felando. Education: Awareness Program: state special school for the blind.

(1) Existing law does not provide for a program that would help make nonhandicapped pupils aware of the special problems encountered by individuals with exceptional needs, and of how these individuals overcome their problems.

This bill would require the Superintendent of Public Instruction to select up to 6 elementary school districts from throughout the state for the purpose of establishing in those districts an Awareness Program on a pilot project basis.

This bill would specify the criteria for the selection of participating districts, and certain elements of the program curriculum.

This bill would require the superintendent to develop a process for the evaluation and monitoring of the Awareness Program established in the selected districts.

This bill would repeal these provisions on January 1, 1988, unless a later enacted statute deletes or extends that date.

(2) This bill would appropriate a sum not to exceed \$200,000 of the amount appropriated pursuant to specified provisions of the Budget Act of 1984 for purposes of the Awareness Program in the 1984-85 fiscal year. This bill would state the legislative intent that funding for the Awareness Program for the 1985-86 and 1986-87 fiscal years be provided through the Budget Act for each of those fiscal years, respectively.

(3) This bill would reappropriate \$800,000 from the unexpended balance of the funds appropriated pursuant to specified provisions of the Budget Act of 1982 for allocation by the Department of Finance for the purpose of conducting seismological tests at the state special school for the blind located in Fremont.

(4) This bill would take effect immediately as an urgency statute.

Ch 1678 (SB 2126) L. Greene. Housing

(1) Existing law establishes the Rental Housing Construction Fund in the State Treasury and continuously appropriates the moneys in that fund to the Department of Housing and Community Development.

This bill would make several technical, nonsubstantive changes in the law relating to that fund.

(2) The bill would appropriate \$16,500,000† for various housing programs in accordance with a specified schedule.

(3) The bill would take effect immediately as an urgency statute.

Ch. 1679 (AB 2697) Klehs. Custody.

Under existing law, in any proceeding involving the custody of a child, custody is required to be awarded to persons according to a specified order of preference according to the best interests of the child.

Existing law provides that in determining the best interests of the child, the court's determination shall include consideration of the health, safety, and welfare of the child.

This bill would also require the court's determination to include the consideration of whether there has been a history of abuse against the child, as defined, and the consideration of the nature and amount of contact with both parents.

The bill also would provide that the determination of the best interests of the child for the purposes of the section delineating the specified order of preference shall include the above-mentioned considerations.

Existing law provides that where the parents have agreed to an award of joint custody, there shall be a presumption that joint custody is in the best interests of a minor child.

This bill would specify that the presumption is subject to the section requiring the court's determination of the best interests of a child to include the above-mentioned considerations.

Existing law provides that upon application of either parent, joint custody may be awarded in the discretion of the court.

This bill would provide that the discretion of the court in such a case is subject to the section requiring the court's determination of the best interests of a child to include the above-mentioned considerations.

† Appropriation in Section 3 of chapter reduced by reducing appropriation in subparagraph (1) to \$2,000,000 and deleting the appropriations in subparagraphs (2), (3), (4), (5), and (6) by action of the Governor.

Ch. 1680 (AB 2743) Hughes. School facilities: automated inventory.

Existing law requires the State Department of Education to study the feasibility of developing and maintaining an automated school facilities inventory that is capable of, among other things, indicating the statewide percentage of facility utilization and projecting school facility needs 5 years in advance. The department is required to complete this study by March 1, 1984.

This bill would require the State Allocation Board, in cooperation with the Superintendent of Public Instruction, to develop and maintain an automated school facilities inventory with the above listed capabilities so that the board may study alternative proposals for the allocation of funds for new construction, maintenance, and rehabilitation. This bill would reappropriate \$600,000 to the State Allocation Board in the 1984-85 fiscal year, for the purposes of this bill from an appropriation made by the Budget Act of 1984 to the State School Building Lease-Purchase Fund. This bill would appropriate in the 1985-86 fiscal year and thereafter, an amount determined by the board to be necessary for the continuation of the automated school facilities system.

Ch. 1681 (AB 2992) M. Waters. Political Reform Act: campaign contributions.

Under the Political Reform Act of 1974, an elected or appointed officer, or alternate, or candidate for office, is prohibited from accepting campaign contributions of \$250 or more, from persons who have applications for licenses, permits, and other similar documents pending before any quasi-judicial body of which the officer is a member.

This bill would define certain terms utilized in the Political Reform Act with respect to the prohibition regarding receiving these campaign contributions.

This bill would also delete the term "quasi-judicial body" and apply the provisions of the prohibition to all state and local government agencies, except the Legislature, the courts, city councils and boards of supervisors.

This bill would also require the Fair Political Practices Commission to establish a division of local enforcement and would appropriate the sum of \$657,437 from the General Fund to the commission for specified purposes.

The bill would take effect immediately as an urgency statute.

Ch. 1682 (SB 1474) Craven. Hazardous substances: priority site ranking

Existing law requires the State Department of Health Services to adopt, by regulation, the criteria for selecting and ranking hazardous substance sites for remedial action. These criteria are required to include factors relating to the public health and the environment, including, but not limited to, certain specified factors.

This bill would expressly include within these factors the estimated costs of the remedial action and the public health benefits resulting from the remedial action.

Ch. 1683 (SB 2030) Hart. Hazardous waste: transportation.

(1) Nothing in existing law specifies mandatory routing for transportation of hazardous material other than explosives.

This bill would enact requirements concerning routes and parking and stopping places permitted for transporters of hazardous waste and would authorize the Department of the California Highway Patrol, after consultation with the Department of Transportation or the city or county agency with traffic control jurisdiction over a highway, to close the highway to vehicles transporting hazardous waste if specified requirements are met. Violation of the requirements would be a misdemeanor with prescribed penalties, thereby imposing a state-mandated local program. The State Department of Health Services would also be authorized, upon recommendation of the Department of the California Highway Patrol, to revoke or suspend the violator's hazardous waste hauler's registration, or to deny such registration, for 3 or more violations of the requirements.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1684 (AB 1597) Costa. Housing

(1) Existing law requires counties and cities to plan, in the housing element of their general plan, to meet their appropriate share of the regional housing need, as determined pursuant to a specified procedure involving the council of governments for the region, the Department of Housing and Community Development, or the department alone in areas not having a council of governments. Existing law permits a local government to revise the definition of its share of the regional housing need in which case the council of governments or the department is required to accept the revision or indicate why that revision is inconsistent with the regional housing need.

Existing law requires the local government to make the materials and data used to justify the revision available upon the request of an interested party within 45 days.

This bill would change the 45-day period to 7 days and would authorize collection of a fee to pay for any costs caused by this shortened time period. By shortening the period, this bill contains a state-mandated local program.

The bill would permit the department, for areas with no council of governments, to determine housing market areas and define the regional housing need for localities within these areas.

The bill would provide that any ordinance, policy, or standard of a city, county, or city and county which directly limits, by number, the building permits which may be issued for residential construction, or limits for a set period of time the number of buildable lots which may be developed for residential purposes, shall, with a specified exception, not be a justification for a determination or a reduction in a local government's share of the regional housing need. The bill would also exempt certain determinations by the department, a council of governments, or a local government from the California Environmental Quality Act.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1685 (AB 2681) Herger. Planning and zoning

(1) Existing law specifies limitations on the time for commencing a legal action or proceeding to attack, review, set aside, void, or annul various planning and zoning actions and decisions of a local legislative body. The bill would limit the issues which could be raised in any legal action or proceeding to the matters raised in testimony at the public hearing.

The bill, if a public agency desires the above provisions to apply, would require the public agency in its notice of a public hearing to include therein notice of the limitations imposed by this bill.

Ch. 1686 (AB 1657) Farr. Fish.

(1) Under existing law, a weight or measure of squid or anchovy which is certified by a public weighmaster may be based upon volumetric measurements of containers except when the squid or anchovy is delivered for the purpose of canning, retorting, or reduction.

This bill would also permit a weight or measure of Pacific whiting which is certified by a public weighmaster to be based upon volumetric measurements of containers, and the bill would delete the purpose of canning from the exception of that provision.

(2) Under existing law, it is a misdemeanor for a person to receive, bring, or cause to be brought into the state for propagation any fish, reptile, amphibian, or aquatic plant from a place where any infected, diseased, or parasitized fish, reptile, amphibian, or aquatic plants are known to exist. It is also a misdemeanor to import a live aquatic plant or animal into this state without the written approval of the Department of Fish and Game pursuant to regulations of the Fish and Game Commission.

This bill would make the first of those prohibitions not applicable to the importation of live aquatic plants or animals for aquaculture purposes by a licensed aquaculturist if the importation has been approved in writing by the department pursuant to the regulations of the commission.

(3) Under existing law, it is generally unlawful to place, plant, or cause to be placed

or planted, among other things, any live fish, into the waters of this state without first submitting it for inspection to, and securing the written permission of, the department. Other provisions of law provide exceptions to this general prohibition

This bill would, additionally, prohibit the transportation or possession of live white bass in this state unless it is first submitted for inspection to, and written permission is obtained from, the department. The bill would make a violation of this provision a misdemeanor with specified penalties.

(4) Under existing law, it is a misdemeanor to buy, sell, or possess in any place of business where fish are bought, sold, or processed any fish or amphibia taken on a boat, barge, or vessel which carries sport fishermen.

This bill would, as an exception to that provision, permit those fish to be possessed in such a place only for the purposes of canning or smoking under regulations adopted by the commission.

(5) Existing law requires the Director of Fish and Game to formulate such fishery management plans as are necessary to meet the needs of the federal Pacific Fishery Management Council in preparing a fishery management plan or amendment thereto

This bill would repeal that requirement, and, instead, require the director, each year, to consult with the Advisory Committee on Salmon and Steelhead Trout, the membership of which is changed by the bill, as specified, and to consult with known user groups on the progress being made in the development of annual and long-term salmon fishery management plans.

(6) Existing law requires specified fish processors and certain fishermen to pay a privilege tax for fish purchased, received, or taken by that person in specified amounts per pound. Additional privilege taxes are imposed for specified fish.

This bill would impose a privilege tax for Pacific mackerel or jack mackerel, as specified.

(7) Existing law requires striped bass which are taken in a net to be released.

This bill would add salmon and sturgeon to that requirement.

(8) Existing law permits the use of drift gill nets in fish and game Districts 11, 12, and 13, as specified.

This bill would prohibit the use of drift gill nets in those districts from May 1 to October 1, inclusive.

(9) Under existing law, the department may make grants to nonprofit organizations, political subdivisions of the state, and Indian tribes for salmon and steelhead rehabilitation along the north coast. Effective January 1, 1984, this provision is codified into Section 34001 of the Public Resources Code pursuant to Chapter 573 of the Statutes of 1984.

This bill would authorize the department to provide partial funding of those grants under specified conditions.

(10) Under existing law, until July 1, 1985, moneys in the Fish and Game Preservation Fund are continuously appropriated to the Fish and Game Commission and the Department of Fish and Game for specified purposes.

This bill would, if enacted prior to July 1, 1985, impose new duties on the department and require expenditures from that fund prior to July 1, 1985, and, thereby, would make an appropriation.

The bill would also appropriate \$10,000 from specified revenues deposited in the Fish and Game Preservation Fund to pay the expenses of the Advisory Committee on Salmon and Steelhead Trout.

(11) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(12) The bill would take effect immediately as an urgency statute.

Ch. 1687 (AB 3181) Johnston. Hazardous substances cleanup liability.

Existing law, effective upon the adoption of the Hazardous Substance Cleanup Bond Act of 1984 by the voters in the November 6, 1984, general election, provides for the issuance and sale of general obligation bonds in an amount not to exceed \$100,000,000.

and requires that these proceeds be deposited in the Hazardous Substance Cleanup Fund to be used for remedial and removal actions at sites for which a final remedial action plan has been issued and for site characterization. The department (State Department of Health Services)* or the appropriate regional water quality control board is required to adopt a remedial action plan for all sites listed on the annual priority ranking. Existing law provides that the adopted remedial action plan is deemed final within 30 days after the adopted plan is issued and a petition for judicial review is not filed within that period. Existing law also authorizes a specified potentially responsible party identified in the plan to convene an arbitration proceeding, as specified in (3) below, within 15 days after the remedial action plan is made final.

This bill would instead provide that the remedial action plan is final when issued by the department or the regional water quality control board, and would require that a potentially responsible party seek judicial review within 30 days after the final plan is issued and convene an arbitration proceeding, as specified in (2) below, within 15 days after the final plan is issued. The bill would also require the department or the regional quality control board to take specified actions concerning notice and hearings before issuing a final remedial action plan.

(2) Existing law authorizes the Hazardous Substance Cleanup Arbitration Panel to apportion the liability of persons for the costs of remedial actions for hazardous substances releases, and to negotiate cleanup agreements for these releases.

Existing law specifies that a provision concerning the conduct of discovery proceedings at an arbitration proceeding applies to these proceedings. The panel is required to negotiate and prepare a cleanup agreement after making an apportionment of liability and, if a responsible party does not execute a cleanup agreement or pay for a cleanup action, the "orphan share" of that party, as defined, may be paid from the Hazardous Substance Account. The Attorney General is required, under existing law, to obtain recovery from those parties which did not sign a cleanup agreement.

This bill would instead require the panel to apportion liability and to issue an arbitration decision, as specified, for the costs of all removal and remedial actions and would delete the requirement that a cleanup agreement be negotiated between the department and the potentially responsible parties. The bill would require the department or the regional board to participate in the arbitration proceedings and would delete a provision concerning the conduct of discovery in arbitration proceedings as applying to these proceedings. The bill would permit the department or the regional board to enter into a cleanup agreement with a potentially responsible party, which would require the party to perform specified removal or remedial actions at a hazardous substance release site.

The bill would delete the references to "orphan shares" and would permit the moneys in the Hazardous Substance Account and the Hazardous Substance Cleanup Fund to be used, upon appropriation by the Legislature, to pay for the share of those parties who did not agree to submit to binding arbitration or pay the costs of a removal or remedial action. The bill would allow advances from the state account or the Hazardous Substance Cleanup Fund, as specified, to be made available to parties who have entered into a cleanup agreement, and would require the Attorney General to pursue recovery from those parties who did not submit to binding arbitration or who did not discharge their obligations pursuant to a cleanup agreement.

(3) Existing law prohibits the imposition of civil liability by a governmental entity upon a party who signs a cleanup agreement and discharges its obligations thereunder, except that a cleanup agreement is required to be modified by the panel upon a specified showing.

This bill would instead prohibit the imposition of this liability if the party has submitted to binding arbitration and has discharged its obligations under the arbitration decision by either paying for the costs of, or performing the required removal or remedial actions. The bill would require the panel to modify the arbitration decision and require the department to modify the remedial action plan, upon a specified showing.

The bill would authorize a party who submitted to arbitration and whose liability has been apportioned to seek indemnity from other liable parties and would prohibit a party who did not submit to binding arbitration from seeking indemnification from those parties who have discharged their obligations pursuant to an arbitration decision or cleanup agreement. The bill would also specify the standard for the judicial review of

an arbitration decision

(4) The bill would take effect immediately, as an urgency statute, but would not become operative until the adoption by the voters of the Hazardous Substance Cleanup Bond Act of 1984.

Ch. 1688 (AB 3796) Costa Housing

(1) Existing statutes continuously appropriate all money contained in the Housing Predevelopment Loan Fund, the Housing Rehabilitation Loan Fund, the Homeownership Assistance Fund, the Rental Housing Construction Fund, and the Urban Housing Development Loan Fund to the Department of Housing and Community Development for various specified purposes. However, the Budget Act of 1984 appropriated a specified amount from those funds for those purposes and thus, placed a limitation on the existing continuous appropriation.

This bill would continuously appropriate all of the money contained in those funds to the department. The bill would also declare the intent of the Legislature with respect to superseding the amounts appropriated by the Budget Act of 1984.

(1.5) Under existing law, predevelopment loans may be made by the Department of Housing and Community Development from the Housing Predevelopment Loan Fund to local agencies or nonprofit corporations for assisted housing primarily for persons of low income in rural areas, and loans may be made by the department from the Land Purchase Fund to eligible sponsors of assisted housing for land purchase costs incurred by those sponsors in connection with the provision of housing for persons of low income in rural areas.

This bill would combine the Housing Predevelopment Loan Fund and the Land Purchase Fund into the Rural Predevelopment Loan Fund and would specify that loans may be made by the department from the Rural Predevelopment Loan Fund to make predevelopment loans and land purchase loans to eligible sponsors for assisted housing in rural areas to be occupied by persons of low income. The bill would repeal the provisions relating to the Land Purchase Fund but would incorporate certain of those provisions into the statutory provisions governing the Rural Predevelopment Loan Fund. The bill would make an appropriation by authorizing the utilization of existing funds contained in the Housing Predevelopment Loan Fund and the Land Purchase Fund for new purposes.

(2) Under existing law, loans may be made by the department from the Urban Housing Development Loan Fund to local agencies or nonprofit corporations for assisted housing primarily for persons of low income in urban areas.

This bill would rename that fund the Urban Predevelopment Loan Fund and would authorize the department to additionally make land purchase loans, as defined, from that fund. The bill would make an appropriation by authorizing the utilization of existing funds contained in the Urban Housing Development Loan Fund for a new purpose.

(3) The bill would reorganize and recast other provisions of law and would make other technical, nonsubstantive changes.

Ch. 1689 (AB 2580) Bradley. Migrant labor farm labor family camps

Existing law provides for activities of the Department of Housing and Community Development, including a program of grants to local public entities and nonprofit corporations for the construction or rehabilitation of housing for agricultural employees and their families, which grants are required to be matched.

This bill would require the department to develop 3 state-operated migrant farm labor camp centers of 100 family units each in Imperial, San Diego, and Riverside Counties, would specify the priority order for development of those centers if the Legislature does not appropriate sufficient funds to finance the development of all 3 centers, and would make legislative findings relating thereto.

This bill would also require the department to report to the Legislature every 6 months on specified items.

Ch. 1690 (SB 2243) Seymour Housing advisory service

(1) Under existing law, there is a California Housing Advisory Service in the Division of Community Affairs in the Department of Housing and Community Development. Under existing law, the advisory service conducts and coordinates specified information

activities related to owner construction or rehabilitation of housing. The advisory service also contracts with local agencies, neighborhood nonprofit organizations, and community design centers for the establishment of specified local housing advisory service programs.

This bill would, instead, authorize the advisory service to contract with local entities or private nonprofit corporations to provide assistance to persons and families of low or moderate income who are owner-builders or self-help rehabilitators, as defined, for any of several specified activities. The bill would create the Self-Help Housing Fund, as a continuously appropriated fund, and would appropriate \$3,000,000 into the fund. The fund would be available to the advisory service for the purpose of making contracts with local entities and private nonprofit corporations to provide assistance as described above, and for the costs of the advisory service in operating the program.

(2) Existing law requires the department to establish at least one field office of the advisory service in a rural area.

This bill would delete that requirement.

(3) Existing law specifies that the primary emphasis of the advisory service and local housing advisory programs shall be on the expansion and improvement of the housing stock available to persons and families of low and moderate income.

This bill would, instead, specify that the primary emphasis of the advisory service and those local programs shall be to expand and improve the housing stock available to lower-income households.

(4) The bill would require any units constructed or rehabilitated under the program described in paragraph (1) to remain affordable to, and occupied by, lower-income households for at least 20 years.

Ch. 1691 (AB 2579) M. Waters Housing.

(1) Existing law prohibits a city, county, or city and county from discriminating against residential developments based on specified criteria.

This bill would, in addition, prohibit discrimination against emergency shelters based on those criteria.

(2) Existing law requires a housing element to be included in every local general plan and requires the housing element to make adequate provision for the housing needs of all economic segments of the community. Existing law requires the housing element to contain, among other things, an analysis of any special housing needs of various groups of persons.

This bill would specifically include persons and families in need of emergency shelter within those groups of persons.

(3) This bill also makes legislative findings and declarations relating to emergency shelters, and would require the Department of Housing and Community Development to prepare and provide a report to the Legislature, on or before March 1, 1985, evaluating the extent and causes of homelessness, as specified.

(4) Existing law establishes the Emergency Housing and Assistance Fund and requires the department to make grants, pursuant to guidelines adopted by the department, to eligible recipients to provide emergency shelter. Existing law specifies various requirements for utilization of grant funds, including, among other things, a prohibition upon utilizing grant funds to construct buildings for use as emergency shelters.

This bill would revise the criteria for making those grants; would repeal those requirements for utilizing grant funds; and would permit the utilization of grant funds to, among other things, purchase or lease buildings.

Existing law prohibits the department from utilizing more than 1% of the amounts made available for the above purposes to cover administrative costs.

This bill would permit the department to utilize up to 3% of the grant funds for administrative costs.

The bill would also require the department to establish minimum guidelines for the rehabilitation of emergency shelters, as specified. The guidelines could be adopted by any city, county, or city and county. The bill would also permit any city, county, or city and county to waive or change specified requirements relating to building standards. The department would be authorized to provide priority in funding to jurisdictions using the minimum guidelines established by the department for the rehabilitation of emergency shelters or which waive or change the specified requirements relating to

building standards.

(5) Existing law requires that a \$5,000,000 loan made to the former Housing Rehabilitation Insurance Fund, presently the Housing Insurance Fund, be repaid to the General Fund not later than January 1, 1986

This bill would, instead, require the loan to be repaid in three equal installments on specified dates and would appropriate that amount to the department for deposit in the Emergency Housing and Assistance Fund.

(6) The provisions of the bill would take effect immediately as an urgency statute

Ch. 1692 (SB 2240) Seymour Mobilehome parks: appropriations

(1) Existing law does not authorize the California Housing Finance Agency to make loans to nonprofit corporations, stock cooperative corporations, or other specified entities organized by the tenants of mobilehome parks for the purpose of making earnest money deposits in connection with the purchase of the mobilehome park

This bill would authorize the agency to make loans for this purpose to these nonprofit corporations, stock cooperative corporations, or other entities from moneys in the Mobilehome Park Purchase Fund, which would be continuously appropriated to the agency for the purpose of making these loans. These provisions would be repealed on January 1, 1989, as specified. This bill would appropriate \$3,000,000 from the Mobilehome-Manufactured Home Revolving Fund to the Mobilehome Park Purchase Fund, for a specified purpose.

(2) Existing law does not generally authorize the California Housing Finance Agency to make loans to nonprofit corporations, stock cooperative corporations, or other specified entities formed for the purpose of acquiring mobilehome parks.

This bill would create the Mobilehome Park Acquisition Fund in the State Treasury and would continuously appropriate the moneys in the fund to the agency for the above described purpose.

The bill would authorize the agency to issue revenue bonds for the purpose of financing the acquisition of mobilehome parks pursuant to the provisions enacted by the bill and would require that the proceeds of the bonds be deposited in the Mobilehome Park Acquisition Fund

It would authorize the Department of Housing and Community Development to provide financing for the balance of the purchase price, as specified

These provisions would be repealed on January 1, 1989, as specified

(3) Existing law provides for various methods in assessing real property when changes in ownership occur.

This bill would provide that any transfer, on or after July [January]* 1, 1985, of a mobilehome park to a nonprofit corporation, stock cooperative corporation, or other specified entity formed by the tenants of a mobilehome park for the purpose of purchasing the mobilehome park is not a change in ownership for reassessment purposes

These provisions would be repealed on January 1, 1989, as specified.

Ch. 1693 (SB 1196) Vuich. Export finance

Existing law provides for the establishment of small business development corporations, urban development corporations, and rural development corporations, to provide financial assistance to various businesses. Existing law also provides for a California State World Trade Commission to encourage international trade, tourism, and development

This bill would enact the California Export Finance Program Law. It would create the California Export Finance Board and the California Export Finance Office which, through its executive director, would administer the law

The California Export Finance Office would coordinate efforts to provide export assistance and financing, disseminate information, and insure, coinsure, and guarantee loans related to qualified export transactions subject to the approval of, and pursuant to regulations of, the California Export Finance Board

The bill would establish the Export Finance Fund, which would be continuously appropriated

In addition, the bill would appropriate \$10,000,000 from the General Fund, of which \$9,750,000† would be appropriated to the Export Finance Fund and \$250,000 to the

† Appropriation in Section 3 of chapter reduced to \$2,000,000 by action of the Governor

California State World Trade Commission Fund for the administrative costs of the California Export Finance Office for the 1984-85 fiscal year.

Ch 1694 (AB 3079) Vasconcellos. Payment of claims.

† This bill would appropriate \$640,471.72 from various specified funds to the State Board of Control to pay the claims of the Secretary of the State Board of Control.

This bill would take effect immediately as an urgency statute.

Ch. 1695 (AB 2639) Jones. Education. farm labor vehicles: driver training.

Existing law requires the State Department of Education to develop a course for the training of farm labor vehicle drivers and to train necessary personnel to conduct the course

This bill would appropriate \$80,000† from the General Fund to the State Department of Education for these purposes and would require each person who is trained by the department to be qualified as instructional personnel to conduct the course to pay a fee of \$300. These fees would be remitted by the department to the General Fund.

Ch. 1696 (SB 1791) B. Greene. Hazardous substances: remedial action plans.

(1) Existing law, effective upon the adoption of the Hazardous Substance Cleanup Bond Act of 1984, requires the State Department of Health Services and the appropriate regional water quality control board to issue a remedial action plan for all sites listed on the annual ranking of hazardous substance release sites. Existing law requires the department to notify the residents living within ¼ mile from the site, by either mail or a newspaper notice, and to hold public hearings before conducting a removal or remedial action pursuant to the plan.

The bill would instead require the department or the regional water quality control board to provide the notice before adopting a final remedial action plan, and would require that affected public agencies be notified and that a notice of the removal and remedial actions proposed in the remedial action plan be published in a newspaper, posted in the area, and sent by direct mail to the owners of property contiguous to the site. The bill would also delete the requirement of a public hearing and would instead specify that one or more meetings be conducted and that certain agencies, the public, and certain parties be included in this meeting.

(2) Existing law creates the Hazardous Substance Cleanup Apportionment Panel within the Department of Environmental Affairs and authorizes the panel to apportion the liability of persons for the costs of remedial actions for hazardous substances releases and to negotiate and prepare a cleanup agreement after making this apportionment.

This bill would specify that the panel is located in the Office of the Secretary of Environmental Affairs. This bill would require the panel to apportion liability for the costs of removal and remedial actions and would delete the panel's authorization to negotiate cleanup agreements.

(3) The bill would incorporate changes to Section 25356.1 of the Health and Safety Code proposed by AB 3181 which would become operative only if this bill is enacted after AB 3181.

(4) The bill would take effect, as an urgency measure, upon the adoption of the Hazardous Substance Cleanup Bond Act of 1984, by the voters at the November 6, 1984 General Election.

Ch 1697 (SB 1889) L. Greene. Pupils: testing.

(1) Existing law requires the State Board of Education to require a testing program in all school districts, to adopt regulations for the conduct and administration of the testing program, and to develop a testing method that will obtain an accurate estimate of statewide performance, school district performance, and school performance, as

† I am reducing the General Fund appropriation contained in Assembly Bill No. 3079 by \$51,442 to eliminate payment of the following four claims: Los Gatos Union School District \$19,506, YMCA of Santa Clara Valley \$5,225, B. J. Miller \$1,711, and B. C. Wood \$25,000.

Sufficient justification has not been provided to substantiate payment of these claims.

With these reductions, I approve Assembly Bill No. 3079.

GEORGE DEUKMEJIAN, Governor

†† Appropriation in Section 2 of chapter deleted by action of the Governor.

specified. Existing law requires the board to develop a testing method to assess performance in content areas, as defined. Existing law also prescribes an Education Improvement Incentive Program.

This bill would state the legislative intent that the test instrument for the California Assessment Program be revised and updated, as prescribed.

This bill would require the Superintendent of Public Instruction to ensure that equivalent questions from the tests administered under the required testing program are compared from fiscal year to fiscal year in developing the composite ratings of each school's performance for purposes of the Education Improvement Incentive Program. The bill would also require certain procedures to be followed in calculating composite ratings and incentive funding for fiscal years in which changes are made in the subject matter or skill level of the tests.

This bill would exclude a school from eligibility for incentive funding and from specified calculations relating to incentive funding for the fiscal year in which a performance improvement occurred if the number of pupils who took the test during that fiscal year was less than 93% of the school's grade 12 enrollment.

This bill would require an amount not to exceed 0.5% of the funds appropriated for the purposes of the Education Improvement Incentive Program to be used for the payment of grade 12 testing proctors and the administration of the program.

This bill would revise the definition of content courses to include subjects which require the drawing of logical inferences and the communication of ideas and the subjects of economics and geography.

This bill would require the State Department of Education to revise and expand its tests administered in grade 12 commencing with the 1985-86 school year in order to measure pupil performance in skills and subject areas identified by specified provisions of existing law.

This bill would require the department to update the test instrument every 3 years, commencing 3 years after the first revision has been completed, in order to adequately reflect the course of study required by law.

This bill would require the Legislative Analyst to submit a report to the Legislature 2 years after the revised test has been implemented regarding the initial revision of the test instrument and the effectiveness of the revised instrument in accomplishing the purposes of this bill.

(2) This bill would incorporate additional changes in Section 60602 of the Education Code, proposed by AB 3228, to be operative only if AB 3228 and this bill are both chaptered and become effective January 1, 1985, and this bill is chaptered last.

(3) This bill would reappropriate \$600,000 from Item 6100-107-001 of the Budget Act of 1984 to the State Department of Education to be made available for the development of a revised California Assessment Program test instrument for grade 12.

This bill would specify that the funds appropriated by this bill shall only be expended upon approval by the Director of Finance, based upon a determination as to whether there are other funds available to the State Department of Education for the development of a revised California Assessment Program test instrument for grade 12 in the 1984-85 fiscal year.

Ch. 1698 (SB 2150) Maddy. Horseracing: satellite wagering facilities

Existing law allows parimutuel wagering on horse races only within the racing inclosure on days racing is conducted by a licensed association, except that the California Horse Racing Board may authorize an association conducting a racing meeting to accept wagers on out-of-state feature races under certain conditions.

This bill would authorize the board to authorize an association licensed to conduct a racing meeting in the northern zone to operate a satellite wagering facility at its racetrack inclosure during the time the association is not conducting a racing meeting if specified conditions are met. The deductions from wagers at satellite wagering facilities are required to be the same as at the racetrack where the meeting is being held and to be distributed as specified.

The bill would require all revenues paid to the state from satellite wagering facilities located at fairs to be deposited in a separate account in the Fair and Exposition Fund. Moneys in the account would be available to the Department of Food and Agriculture, when appropriated, for repayment of principal and interest on bonds of a joint powers

agency issued for improvements only at a fair's racetrack inclosure and, upon approval by the Director of Food and Agriculture, for support purposes of fairs generally.

Ch 1699 (SB 2198) Royce. Income taxation: depreciation

Under the existing Personal Income Tax Law and the Bank and Corporation Tax Law, in computing taxable income or net income, there is allowed as a deduction a reasonable allowance for depreciation of property used in a trade or business or held for the production of income.

Under both state tax laws, federal income tax provisions which provide for a depreciation allowance computed under an accelerated cost recovery system are inapplicable.

This bill would permit a depreciation deduction in conformity with specified provisions of the federal income tax law relating to the accelerated cost recovery system for eligible residential rental property, as defined

This bill would require the Legislative Analyst to prepare a report on the effectiveness of this bill, as specified

This bill would make additional changes in Section 17250, Revenue and Taxation Code, proposed by AB 2317 and SB 1484, to be operative only if AB 2317 or SB 1484 and this bill, or all three bills, are chaptered, and this bill is chaptered after AB 2317 and SB 1484.

This bill would take effect immediately as a tax levy.

Ch. 1700 (SB 1929) Campbell. State purchasing: co-compost and compost products

Existing law requires the Department of General Services to give preference, whenever feasible, to the purchase of recycled paper products if the bids for these products do not exceed unrecycled paper products by a specified amount.

This bill would require all state departments and agencies ~~to revise their procedures and specifications*~~ to give preference to co-compost and compost products, as defined, when they can be substituted for, and cost no more than, regular fertilizer or soil amendment products, if the co-compost and compost products meet applicable standards and regulations.

The bill would declare the findings and intention of the Legislature concerning these provisions.

Ch 1701 (AB 3782) Sher. Shared appreciation loans for seniors

Existing law contains no provisions directly relative to an alternative mortgage instrument by which a lower than prevailing market interest rate is given on a refinancing loan for residential property of senior citizens.

This bill would enact comprehensive provisions for making shared appreciation loans to senior citizens. The loan contemplates refinancing the existing debt on the borrower's homes and utilizing a portion of the existing equity to provide a monthly payment from the lender to the borrower, in exchange for payment upon a "maturity event" of accrued principal, interest, and a share of the future appreciation of the home. Repayment of the total loan would be deferred until the earliest of the borrower's death, or when the property is sold or the loan is refinanced.

The bill also requires certain notices and disclosures to be made.

Ch 1702 (AB 3123) Wright. Child support.

Existing law contains authority for imposing child support obligations upon a noncustodial parent and for the enforcement of those obligations.

This bill, in response to federal law, would require the State Department of Social Services to implement procedures for the reporting of past-due child support obligations to certain consumer credit reporting agencies, as specified. It also would provide that certain state incentives paid for support collections shall be paid on collections paid to an aided family in the form of income not included in determining eligibility for assistance pursuant to federal law (so-called "disregards"). It also would delete the requirement that amounts appropriated for payments for support collections shall be appropriated to a specified fund.

The bill would not become operative until the enactment of certain federal legislation.

The bill also would make additional changes in Sections 15200.1 and 15200.2 of the Welfare and Institutions Code, contingent upon the prior chaptering of AB 2849, as

specified

Ch. 1703 (SB 2118) Presley Child abuse reporting.

Under existing law, persons required to make reports of known or suspected instances of child abuse are immune from civil or criminal liability for making a required or authorized report

This bill would provide that any specified entity or employee thereof who, pursuant to the request of a child protective agency or district attorney, assists or cooperates with a child protective agency or district attorney in the investigation of child abuse, shall not incur any civil or criminal liability for doing so, as specified.

This bill also makes additional changes proposed by AB 2702, to be operative only if AB 2702 and this bill are both chaptered and become effective on January 1, 1985, and this bill is chaptered after AB 2702.

Ch. 1704 (SB 613) Campbell Privacy and publicity.

Under existing law, any person who knowingly uses another's name, photograph, or likeness for advertising purposes or purposes of solicitation of purchases without the consent of the person or the person's parent or guardian is liable for any damages, and in an amount no less than \$300

This bill would extend that provision to the use of another's voice or signature. It would also extend that provision to a use in any products, merchandise, or goods and to a use for purposes of selling products, merchandise, goods, or services. It would increase the minimum damages to \$750, and would also provide for the recovery of profits from the unauthorized use, of punitive damages, and of attorney's fees, as specified

Existing case law has held that the right to prohibit commercial exploitation of a person's name, photograph, or likeness does not generally survive that person's death.

This bill would enact a provision setting forth the statutory right to recover damages for the unauthorized commercial use of a deceased personality's name, voice, signature, photograph, or likeness, similar to the above-mentioned provision, and would specify that right is a property right which is transferable, and, if not transferred, exercisable after a person's death by the person's wife, children, or parents, as specified. The bill would require a person claiming the right to register the claim with the Secretary of State. It would provide that a successor-in-interest to the rights of a deceased personality may not recover damages for a use that occurs before registration. The bill would provide that no action could be brought to recover damages for a use occurring after 50 years from the death of the person. The bill would specifically exempt certain uses.

Ch 1705 (SB 1366) Keene Dismissal of actions.

Existing law provides for the dismissal of civil actions for lack of prosecution in various instances.

This bill would repeal certain statutory provisions relating to dismissal of actions for lack of prosecution and, instead, would enact comprehensive statutory provisions, as follows

The bill would set forth a policy that a plaintiff shall prosecute an action with reasonable diligence but would provide that the policy favoring trial or other disposition on the merits is generally to be preferred.

Existing law provides for the dismissal of an action if the summons is not served and a return made within 3 years after the action is commenced against the defendant

This bill would require the summons and complaint to be served within 3 years, but would eliminate a requirement that a stipulation to extend the time for service shall be filed with the court

This bill would also provide that in computing the time within which service shall be made, the following periods of time shall not be included: where the defendant was not amenable to process; the action was stayed and the stay affected service, the validity of service was the subject of litigation; and where service was otherwise impossible, impracticable, or futile due to causes beyond the plaintiff's control. The bill would specify that the failure to discover facts or evidence is not a cause beyond the plaintiff's control

Existing law requires an action to be brought to trial within 5 years after it is commenced.

This bill would generally continue that requirement, and would generally continue a related requirement that where a new trial is granted because of a mistrial, the granting of a new trial, or after appeal, the action shall be brought to trial within 3 years.

The bill would provide for the exclusion of periods of time where the jurisdiction of the court was suspended, prosecution or trial was stayed or enjoined, or where bringing the action to trial was impossible, impracticable, or futile.

Existing law provides for the dismissal of an action by the court, in its discretion in various instances, including where the action is not brought to trial within 2 years.

This bill would provide for discretionary dismissal by the court if service is not made within 2 years, or if the action is not brought to trial within 3 years, or, if the Judicial Council so prescribes, 2 years, and, when a new trial is granted, if the action is not brought to trial within 2 years, as specified.

Ch. 1706 (AB 3460) Johnston Vocational education: cooperative vocational education programs.

(1) Existing law prescribes the manner in which the average daily attendance of pupils shall be computed, and prescribes various requirements for computing average daily attendance in specified educational programs.

This bill would specify that for purposes of cooperative vocational education programs and community classrooms prescribed by specified provisions of this bill, "immediate supervision" means pupil participation in paid and unpaid on-the-job experiences as outlined under a training agreement and individualized training plans wherein the supervisor of the training site and certificated school personnel share the responsibility for the supervision of on-the-job experiences

(2) Existing law authorizes school districts, county superintendents of schools, or any school administered by the State Department of Education under whose supervision work experience education, or occupational training classes held in the community, as defined, are provided, to be considered an employer for purposes of specified provisions of existing law, except as otherwise provided. Existing law specifies that whenever work experience, or occupational training classes held in the community, are under the supervision of a regional occupational center or program operated by two or more school districts pursuant to specified provisions of existing law, the district of residence of the persons receiving the training shall be deemed the employer

This bill would delete the reference found in existing law to the term "occupational training classes held in the community" and would substitute the term "cooperative vocational education."

(3) Existing law authorizes the governing board of any high school district, as specified, the governing board of any joint powers regional occupational center or program, or the county superintendent of schools which conducts any county-operated regional occupational center or program, to establish and maintain cooperative vocational education programs in accordance with standards prescribed by the State Board of Education

This bill would require the Superintendent of Public Instruction to adopt rules and regulations for cooperative vocational education programs and community classrooms including, but not limited to, prescribed standards. This bill would specify that the term "cooperative vocational education programs" includes cooperative agreements between schools and employers to provide students with on-the-job experiences, as well as vocational education instruction contributing to the student's education and employability. This bill would specify that the term "community classrooms" includes instructional methodologies which are part of a vocational education course, and which may utilize the facilities and equipment of a public agency, as defined, or private business to provide students the opportunity to expand competencies developed in a vocational course in unpaid on-the-job experiences

This bill would specify that joint venture agreements shall be entered into between the director and the management of the community classroom site to ensure that students will be provided, through unpaid on-the-job experiences, the opportunity to expand the competencies developed in the classroom instruction portion of their training

This bill would require each instructor, in cooperation with the business or agency in which the student will be placed, to develop an individualized training plan for each pupil enrolled in a community classroom

This bill would specify that all statutes and regulations applicable to minors in employment relationships shall be applicable to cooperative vocational education programs and community classrooms

(4) This bill would incorporate additional changes in Section 46300 of the Education Code, proposed by SB 786, to be operative only if both this bill and SB 786 are enacted and become operative on or before January 1, 1985, and this bill is enacted last.

(5) This bill would take effect immediately as an urgency statute

Ch 1707 (AB 2297) Klehs. Taxation

Existing provisions of the Use Fuel Tax Law require users of fuel to file use fuel tax returns on or before the 25th day of each month. Other provisions of that law exempt certain nonresident users of fuel from various requirements of that law, including the filing of returns

This bill would expressly except those nonresident users of fuel from the specific provisions requiring the filing of returns

Existing provisions of the Use Fuel Tax Law require approval by the State Board of Control prior to the cancellation by the State Board of Equalization of any use fuel tax determination illegally determined which exceeds \$1,000.

This bill would increase from \$1,000 to \$5,000 the limit used to determine whether cancellation of a use fuel tax determination must be approved by the State Board of Control.

Existing provisions of the Hazardous Substances Tax Law permit the filing of a petition for redetermination of tax due within a 60-day period following service upon the taxpayer of a notice of determination of tax.

This bill would reduce the 60-day filing period to 30 days

This bill would correct an incorrect reference in specified provisions of the Motor Vehicle Fuel License Tax Law relating to exemptions from the payment of motor vehicle fuel license taxes.

This bill would correct or delete incorrect or obsolete references in various provisions of the Motor Vehicle Fuel License Tax Law

Existing California Sales and Use Tax Law imposes a state tax on the sale or use of tangible personal property in the state, unless the sale or use is exempted from tax. The law defines "sales price" and "gross receipts" for purposes of measuring the taxes and specifically provides that, until January 1, 1987, for purposes of sales of used mobilehomes, "sales price" shall be based on current value of the used mobilehome, as determined by a recognized value guide, in connection with designated sales. That law also provides for relief from sales tax penalties for late payments of tax pursuant to specified statutory provisions if the State Board of Equalization finds that a person's failure to make a timely return was due to reasonable cause and circumstances beyond the person's control.

This bill would specify that the use of a recognized value guide in determining the "sales price" of a used mobilehome applies to sales between private parties. This bill would extend the provisions granting relief from late penalties to a finality penalty, which is imposed when a taxpayer fails to pay a final delinquency determination within a specified period.

Existing California Sales and Use Tax Law exempts from sales and use taxes the sale, use, storage, or other consumption of watercraft for use in interstate or foreign commerce involving the transportation of property or persons for hire or for use in commercial deep sea fishing operations outside the territorial waters of this state by persons who are regularly engaged in commercial deep sea fishing. These provisions also exempt from sales and use taxes the sale, use, storage, or other consumption in this state of watercraft which are leased, or are sold to persons for the purpose of leasing, to lessees using that watercraft in interstate and foreign commerce involving the transportation of property or persons for hire or for use in commercial deep sea fishing operations outside the territorial waters of this state by persons who are regularly engaged in commercial deep sea fishing.

Counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes. Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes.

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse

counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would expand the above exemptions from sales and use taxes to include the sale, use, storage, or other consumption in this state of watercraft which is functionally used 80% or more of the time in the transportation for hire of property or persons to vessels or offshore drilling platforms located outside the territorial waters of this state.

This bill would provide that no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to the bill.

Existing provisions of the Transactions and Use Tax Law authorize a district, as defined, to adopt a transactions and use tax. It requires that the ordinance include, among other things, a provision that the storage, use or other consumption of tangible personal property, the gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use taxes ordinance shall be exempt from the tax.

This bill would instead require that the ordinance include a provision that any person subject to a use tax under an ordinance adopted pursuant to the Transactions and Use Tax Law shall be entitled to credit against that tax any transactions tax or reimbursement for transactions tax paid to a district or retailer in a district imposing a transactions tax pursuant to that law.

Ch. 1708 (SB 1965) Speraw. Agricultural products: donations: tax deductions.

Under the existing Personal Income Tax Law and the Bank and Corporation Tax Law, taxpayers are accorded deductions from the taxes imposed by those laws for donations of agricultural products, as specified. These provisions remain in effect only until January 1, 1985.

This bill would extend the effect of these sections until January 1, 1987.

This bill would take effect immediately as a tax levy.

Ch. 1709 (AB 3646) Vasconcellos. Violence.

Existing law contains provisions relative to a California Commission on Crime Control and Violence which, however, expired March 31, 1983.

This bill would, on the basis of certain findings and recommendations of the commission, require the institution of community violence prevention and conflict resolution programs, to be contracted for by the Office of Criminal Justice Planning.

The bill would appropriate \$500,000† from the General Fund for that purpose to the Office of Criminal Justice Planning and would limit administrative and program expenses of the Office of Criminal Justice Planning to 20% of this amount.

Ch. 1710 (SB 2049) Garamendi. California Conservation Corps. supportive services.

(1) Existing law in the Public Resources Code establishes the California Conservation Corps (CCC) to conserve, develop, enhance, and maintain natural resources through the use of California's youths, as specified.

This bill would require the corps to establish a nonresidential program with an educational component in neighborhoods which have high concentrations of ethnic-minority youths and which have high levels of youth unemployment, and would require the corps to secure employment and training services for corpsmembers, as specified. The CCC would be required to accommodate the educational component, which would provide curriculum and course credits leading to a high school diploma, or its equivalent, such as a California high school equivalency certificate, without significantly reducing the productivity of the corps.

This bill would also make the educational component contingent on receiving sufficient funding from any source, including the federal Job Training Partnership Act.

This bill would authorize the corps to contract with public or private nonprofit entities to provide services for the corps and authorize the director of the corps to contract with nonprofit agencies which meet specified requirements to provide services for a nonresidential program.

This bill would also authorize the corps to contract with the University of California,

† Appropriation in Section 2 of chapter reduced to \$250,000 by action of the Governor.

the California State University, the community college districts, and private institutions for the creation of special admission and tuition credit programs for corpsmembers.

This bill would designate the corps as the state program recipient of funds available through the American Conservation Corps, and would authorize the director of the corps to adopt regulations to implement such a program. The bill would set forth a legislative finding that specified federal funds for resource protection and conservation should be allocated to the CCC and local conservation corps.

This bill would encourage community college districts to enter into agreements with the corps to provide equal educational opportunities for corps members. The bill would encourage community college districts to develop procedures to address the unique needs of corps members and the corps' need for adequate facilities.

(2) Existing law provides that, in a civil service examination held on an open, nonpromotional basis, a competitor who has served at least one full year in, or who is a graduate of, the California Conservation Corps, and who passes the examination, shall have 3 career credits added to his or her score. It provides that eligibility for those career credits shall expire 18 months after graduation from the corps.

This bill, instead, would provide that eligibility for those career credits shall expire 24 months after graduation from the corps, with an extension to compensate for Governors' hiring freezes.

This bill would appropriate \$3,000,000† from the General Fund to the California Conservation Corps to implement this bill.

Ch. 1711 (AB 2782) Harris. Estate taxes

Under existing law, if a federal estate tax is payable to the United States, California law imposes a California estate tax equal to the portion, if any, of the maximum allowable amount of the Credit for State Death Taxes, allowable under the applicable federal estate tax law, which is attributable to property located in California, except as otherwise provided. While existing law contains an express provision for proration of the federal estate tax among persons interested in an estate, there is no corresponding provision for prorating among the persons interested in the estate any estate tax paid to this state.

This bill would provide for the equitable proration of the California estate tax among persons interested in the decedent's estate.

Existing law requires estate taxes to be paid out of a decedent's estate, or evidence of a written agreement for the payment of the estate tax between the federal taxing authority and the estate, before final distribution of the estate.

This bill would repeal that provision.

This bill would take effect immediately as an urgency statute.

Ch. 1712 (AB 2698) Klehs. Child abuse reporting.

Under existing law, when a principal or other school official releases a minor pupil to a peace officer for the purpose of removing the minor from the school premises, the school official shall take immediate steps to notify the parent, guardian, or responsible relative of the minor regarding the release of the minor to the officer, and regarding the place to which the minor is reportedly being taken.

This bill would make an exception to that requirement for a period not to exceed 24 hours if a minor has been taken into custody as a victim of suspected child abuse, as defined in specified provisions of existing law.

The bill would impose a state-mandated local program by requiring a school official to provide a peace officer with the address and telephone number of the minor's parent or guardian, and by requiring the peace officer to provide the notification to the parent, guardian, or responsible relative of the minor, except as otherwise specified.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234,

† Appropriation in Section 6 of chapter reduced to \$1,200,000 by action of the Governor.

but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch. 1713 (SB 2155) Ayala Energy research, development, and demonstration programs.

Under existing law, the Public Utilities Commission is authorized to allow research and development expenses by electrical and gas corporations for ratesetting purposes.

This act would require the commission to consider designated guidelines in evaluating the energy research, development, and demonstration programs proposed by electrical and gas corporations

The bill would require the State Energy Resources Conservation and Development Commission and the Public Utilities Commission to participate in a coordination meeting, with representatives from specified utilities, districts, and organizations, on an annual basis dealing with energy research, development, and demonstration programs

Ch 1714 (SB 1723) Keene. Physicians and surgeons

Existing law authorizes medical quality review committees of the Board of Medical Quality Assurance to appoint 5-member panels to hear and decide cases before a committee and provides that if 5 members from one committee cannot be convened, members from another committee may be assigned to a panel.

This bill would provide that if members from one committee cannot be convened, members from other committees may be assigned.

Existing law specifies the authority and duties of Medical Quality Review Committees of the Board of Medical Quality Assurance

This bill would additionally provide that a committee may create physician peer counseling panels to provide review, education, and assistance to physicians to strengthen various aspects of their practices

Ch 1715 (SB 1665) Rosenthal. Telecommunications and highway carriers passengers and property

(1) Under existing law, the Public Utilities Commission implements programs whereby telecommunications devices are furnished to telephone subscribers who are deaf or severely hearing-impaired and is required to adjust overall telephone rates not to exceed 3¢ per telephone line of each subscriber per month to pay for these programs and devices

This bill would direct the commission, in addition, to design and implement a program whereby specialized or supplemental telephone communications equipment may be provided to subscribers who are certified to be disabled, as stated, and to adjust overall rates not to exceed a total of 10¢ per telephone line of each subscriber per month to pay for all of these programs. The bill would direct the commission to study the feasibility of, and implement if determined to be feasible, personal income criteria, in addition to the medical certification of disability, for determining a subscriber's eligibility under these provisions.

(2) Existing law prohibits any highway carrier from engaging in interstate or foreign transportation of property within this state without registering with the commission pursuant to a specified procedure.

This bill would repeal and substantially reenact these provisions to include highway carriers of property or passengers. The bill would define highway carrier as having the same meaning of "motor carrier" in the Interstate Commerce Act, as specified

(3) Existing law authorizes the commission to cancel, revoke, or suspend the operating permits and certificates of charter-party carriers of passengers upon specified grounds.

This bill would authorize the commission to levy a civil penalty of up to \$5,000, plus interest, as an alternative to taking those actions, and would require the commission to deposit the penalties and interest in the General Fund

(4) Under existing law, passenger stage corporations are required to hold a certificate

of public convenience and necessity from the commission authorizing their operations, and charter-party carriers of passengers may hold either a certificate or a permit, depending on the type of operations authorized. The commission is required to issue a permit to passenger carrier operations which use vehicles under 20 feet in length.

This bill would increase the vehicle length limit for these passenger carrier operations to 25 feet.

(5) Existing law requires the owner of a vehicle designed to carry 16 or more passengers, including the driver, to maintain the ability to respond in damages in the amounts required by the Director of Motor Vehicles, which amounts are equal to those specified by the commission for specified for-hire vehicles.

This bill would instead impose this requirement upon the owner of a vehicle used to carry passengers for hire, except taxicabs as defined.

(6) Existing law subjects any person operating a motor vehicle transporting property for compensation in interstate commerce and not complying with the Interstate and Foreign Highway Carriers' Registration Act to a criminal penalty of up to \$1,000, imprisonment in the county jail for up to 3 months, or both.

This bill would additionally include, within this provision, the transportation of passengers for compensation in interstate commerce.

(7) Under existing law, a vehicle subject to provisions of law authorizing the Commissioner of the California Highway Patrol to adopt regulations regarding the safe operation of specified vehicles is required to prominently display a distinctive identifying symbol, as provided for in the provision of the Public Utilities Code concerning highway carriers.

This bill would delete the reference to the provision concerning highway carriers.

(8) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would create new crimes concerning highway carriers and passenger stage corporations, thereby imposing a state-mandated local program.

However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1716 (SB 1618) Watson Rural health services.

Under existing provisions of law relating to rural health services, there are provisions relating to the licensing of various types of clinics and exemptions from the licensing provisions for some clinics.

This bill would exempt from the licensing provisions any clinics limited to in vivo diagnostic services by magnetic resonance imaging or radiological services under the direct and immediate supervision of a physician and surgeon who is licensed to practice in California.

Ch 1717 (AB 3007) Mountjoy School finance Delano Joint Union High School District special education.

(1) Existing law authorizes the governing board of any school district to order the temporary transfer of moneys held in any fund or account to another fund of the district to be used for the payment of obligations of the district. These transfers are limited to no more than 75 percent of the maximum of moneys held in any fund or account during a current fiscal year during that fiscal year, and a transfer can be made not more than twice within a fiscal year from the same fund or account.

Notwithstanding those provisions of existing law, this bill would authorize the governing board of the Delano Joint Union High School District to direct these temporary transfers of moneys as many times as necessary within the 1984-85 fiscal year from the same fund or account, and would also permit them to transfer 100 percent of the maximum of moneys held in any fund or account during the 1984-85 fiscal year. This bill would also define the terms "moneys" and "funds" for purposes of this authorization.

Existing law authorizes the temporary transfer of certain county funds to school districts when certain conditions are met.

Notwithstanding and in lieu of those provisions of existing law, this bill would authorize the Governing Board of the Delano Joint Union High School District to request, on

or before April 1, 1985, a temporary transfer of funds from the county treasury, not to exceed 45 percent of the estimated annual property tax entitlement of the district. This bill would also prescribe the method of repayment of the funds so transferred.

This bill would specify that the temporary transfer of funds authorized by this bill shall be limited to the 1984-85 fiscal year.

This bill would require the governing board of the Delano Joint Union High School District to include within its annual audit report to the State Department of Education a description of the procedures used in the reconciliation of the funds and accounts authorized by this bill. This bill would require the State Department of Education, upon receipt of the district's annual audit report, to transmit a copy of the report to the respective fiscal committees of the Legislature.

This bill would declare the legislative finding that due to the unique circumstances affecting the Delano Joint Union High School District, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

(2) Existing law requires the Superintendent of Public Instruction to apportion to each school district and county office of education 70% of the cost of tuition in excess of the revenue limit and applicable federal funds for pupils with exceptional needs enrolled in nonpublic, nonsectarian schools pursuant to their individualized education plan.

This bill would impose a state-mandated local program as a condition of receiving those apportionments by requiring a district or county office to submit a report to the superintendent, as specified, regarding certain individual program placement costs of providing services to individuals with exceptional needs placed in nonpublic, nonsectarian schools.

The bill would also require the superintendent, commencing September 15, 1985, to prepare a report of the data submitted pursuant to this bill by September 15 of each year.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(4) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(5) This bill would take effect immediately as an urgency statute.

Ch 1718 (AB 2710) Clute. Child abuse reporting.

Under existing law, certain persons are required to report known or suspected instances of child abuse, as specified. Failure to make such a report is a misdemeanor.

This bill would require any person who enters into employment on or after January 1, 1985, in a capacity such that he or she would be required to make such a report, prior to commencing the employment, as a prerequisite to that employment, to sign a statement on a form provided to him or her by the employer, to the effect that he or she knows of the requirement to make such a report and will comply therewith. It would prescribe the contents of that statement and would provide that the costs related to the printing, distribution, and filing of the statements shall be borne by the employer. Inasmuch as local public entities employ persons who would be required to sign these forms, it would establish a state-mandated local program.

The bill also would provide that any child care custodian, medical practitioner, non-medical practitioner, or employee of a child protective agency who, pursuant to a request from a child protective agency, provides the requesting agency with access to the victim of a known or suspected instance of child abuse shall not incur civil or criminal liability as a result of providing such access.

This bill also would incorporate further amendments to Section 11172 of the Penal Code contingent upon the enactment and prior chaptering of AB 2702.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 1719 (AB 2400) McAlister. Judicial arbitration.

Existing law specifies that all petitions regarding matters subject to arbitration are within the jurisdiction of the superior court.

This bill would provide that such matters are within the jurisdiction of the municipal or justice court if they are based upon the subject matter of a pending action properly filed in municipal court, thereby expanding the duties of a local agency under an existing program.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

This bill would incorporate additional changes in Section 86 of the Code of Civil Procedure, proposed by AB 2295, AB 2260, or SB 1344, contingent upon the prior chaptering of one or more of the other bills, as specified.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

Ch. 1720 (SB 1913) Watson. Juvenile court law.

Existing law provides for the liability to the county of the father, mother, spouse, or other person responsible for the support of a minor for, among other things, the cost of legal services rendered to the minor in a juvenile court proceeding and for the cost to the county of the probation supervision of such a minor, as specified. This liability is enforced by means of a procedure whereby the district attorney is authorized to petition the superior court to issue an order to show cause why an order should not be entered for reimbursement of these costs.

This bill instead would, with respect to reimbursement for the costs of legal services and probation supervision, specify a new procedure whereby the board of supervisors would be authorized to designate a county officer to make financial evaluations of parental liability for costs, if such an officer determines that such a person has the ability to pay all or part of those costs, the officer would be required to petition the court for an order ordering the payment of that sum, as specified.

It also would make related changes.

Ch. 1721 (AB 1592) Katz. California Small Business Advocate.

Existing law does not provide for a state agency to advocate the interests of small businesses.

This bill would create, within the Business, Transportation and Housing Agency, a California Small Business Advocate, appointed by the Governor. It would authorize the secretary to assign employees from within various departments of the agency to assist

the advocate.

This bill would provide that the advocate, among other things, shall serve as the principal advocate in the state on behalf of small businesses, including advisory participation in the consideration of legislation and administrative regulations affecting small businesses. It would specify the functions and duties of the advocate, and would require the advocate to submit an annual report to the Governor and the Legislature describing the activities and recommendations of the advocate.

Ch. 1722 (AB 2648) Costa. Subdivisions: dedication requirements

(1) Existing law authorizes a city, county, or city and county, as a condition to the approval of a subdivision map, to require the subdivider to dedicate land for various specified purposes

This bill would, in the case of a dedication requirement imposed as a condition to approval of a tentative map, make any requirement for the dedication of land, as defined, subject to judicial review pursuant to a petition for writ of mandate if the petitioner had protested the dedication requirement in administrative proceedings. The bill would authorize the court, upon determining the dedication requirement to be invalid, to order the city, county, or city and county, to elect to either (1) require amendment of the tentative map or redesign of the subdivision, (2) pay just compensation for that portion of the dedication deemed to be excessive, or (3) delete or modify the dedication found to be excessive. The city, county, or city and county would be conclusively presumed to have elected to pay just compensation if within 45 days of the court's order it failed to elect to take one of the other actions. The bill would thus impose a state-mandated local program

The bill's provisions would not apply to mitigation measures imposed pursuant to the California Environmental Quality Act.

The provisions of the bill would be repealed January 1, 1988

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

Ch. 1723 (AB 2622) La Follette. Development projects. completeness of application.

(1) Under existing law, any public agency which has received an application for a development permit, as defined, is required to determine, not later than 30 days after receipt, whether the application is complete and to notify the applicant in writing of the determination within that period, and if determined not to be complete, those parts of the application which are incomplete and the manner in which they can be made complete

This bill would also require the public agency, when it has determined an application to be incomplete, to include a list and thorough description of the specific information required to complete the application, thereby imposing a state-mandated local program. The bill would also require the applicant to submit the additional material to the public agency and would require the public agency to determine whether the submission of the application together with the submitted materials is complete within 30 days of the record submitted and to provide for an appeal process, as specified, thereby imposing a state-mandated local program.

The bill would become operative on July 1, 1985

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of

making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) The bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1991, the provisions contained in the bill for which state reimbursement is required

Ch. 1724 (AB 501) Harris. Uniform Trade Secrets Act

Under existing law, no specific cause of action exists for misappropriation of a trade secret

This bill would establish that cause of action, through enactment in California of the Uniform Trade Secrets Act, which defines terms, provides for injunctive relief, damages, or other relief, requirements that a court take measures to preserve the secrecy of an alleged trade secret by reasonable means, and a statute of limitations applicable to the cause of action, among other provisions.

Ch. 1725 (SB 1915) Presley. Driving offenses: punishment

(1) Existing law prescribes a period of confinement in the county jail, as a sentence or as a condition of probation, for specified persons who are convicted of a violation of the prohibition against driving under the influence of an alcoholic beverage, a drug, or both, driving with an alcohol-blood concentration of 0.10% or more, or driving when addicted

This bill would authorize the establishment of 3-year county pilot programs to determine the cost efficiency and therapeutic value of placing persons convicted of these offenses in specified alcohol rehabilitation facilities providing custodial treatment. Eligibility for participation in the pilot programs would be limited to a maximum of 4 counties, including initially the Counties of Los Angeles, Napa, and Riverside, if they apply for participation in the program, and one other county selected by the State Department of Alcohol and Drug Programs. In those counties electing to participate, a court, as conditions of probation, would order a person who has one or more prior offenses within 5 years to undergo a treatment program in a participating alcohol rehabilitation facility, as defined, for a designated period and to pay for the treatment program in that facility, as specified. In participating counties, courts would be required to order presentence screening and assessments, as specified.

The bill would require the county alcohol program administrator in a participating county to establish fees based on ability to pay and to determine each participant's ability to pay. The bill would limit the maximum per diem fee of an approved alcohol rehabilitation facility to the per diem cost of the jail in that county.

The bill would require the facility and its program to have been approved and certified by the department, as specified. The bill would require participating facilities to accept all referrals from the courts. A violation of the terms of the program would be a violation of probation under the bill.

(2) The bill would require the Legislative Analyst to make a specified study and report to the Legislature on the effects of the bill by April 1, 1988. The bill would also require the Legislative Analyst to report on the economic groups served by the pilot programs on or before June 30, 1986.

(3) The bill would incorporate changes in Section 23161 of the Vehicle Code proposed by AB 2491, AB 3872, SB 895, and SB 2232, to be operative only if those bills are enacted and amend Section 23161 of the Vehicle Code.

Ch. 1726 (AB 2840) Felando. Commission on Emergency Medical Services.

Under existing law, there are 14 members on the Commission on Emergency Medical Services who serve for terms of 3 years.

This bill would provide for staggering the terms of the commission members by providing for appointments of 1, 2, or 3 years for the first members appointed on or after January 1, 1985. The members would serve to the end of the calendar year in which they were appointed before the term would commence.

Ch. 1727 (SB 2151) Watson. Private postsecondary institutions. authority to award degrees.

Existing law prohibits private postsecondary educational institutions from awarding academic degrees unless they: (1) are accredited by a recognized accrediting agency, the Western Association of Schools and Colleges, or the Committee of Bar Examiners for the State of California; (2) have been approved by the Superintendent of Public Instruction based upon a determination that the institution has an adequate educational program; or (3) have filed affidavits relating to the educational program and financial resources of the institution with the Superintendent of Public Instruction.

The availability of the option described in item (3) is restricted to institutions structured by schools of theology which award degrees primarily in theology and other areas of religious study.

This bill would permit an institution to obtain authorization to issue degrees by demonstrating compliance with standards recommended by the Council for Postsecondary Educational Institutions and adopted by the Superintendent of Public Instruction through a comprehensive onsite review process conducted by a visiting committee, as specified.

This bill would make it unlawful for those institutions to represent that the authorization to operate represents accreditation or endorsement of the course of study or degree.

This bill would also require the council to advise the Superintendent of Public Instruction regarding the appropriate action to be taken in the event that the visiting committee does not reach a unanimous recommendation regarding an institution's application for authorization pursuant to the new procedure which would be provided by this bill.

This bill would authorize the superintendent to place an authorized institution on probation for a specific period of time, if certain determinations are made. If at the end of the specified probation period, the institution has not taken steps to eliminate the cause for its probation which the superintendent finds satisfactory, this bill would permit the superintendent to withdraw the institution's authorization to award degrees. An institution placed on probation pursuant to the provisions of this bill would be able to file an appeal with the council, as specified.

Existing law prescribes procedures for the appointment of members of the Council for Private Postsecondary Educational Institutions, and provides for their reimbursement for certain expenses, as specified.

This bill would eliminate the current requirement that the State Board of Education concur in the appointment of each person to serve on the council before that person may be deemed to be a member of the council.

This bill would require the Superintendent of Public Instruction to approve official council business in order for a member of the council to obtain reimbursement for the actual expenses incurred when on this official business.

Existing law requires the Superintendent of Public Instruction to impanel special committees to assist the superintendent and the Council for Private Postsecondary Educational Institutions in development of standards for courses and the evaluation of any course or school applying for approval or authorization to issue degrees pursuant to specified provisions of law.

This bill would, instead, require the superintendent to impanel special committees to assist the superintendent and council in the development of standards for education and educational institutions, and the evaluation of any application or institution pursuant to specified provisions of law. The bill would also require the institution which is the subject of inspection or investigation to reimburse each member of such a special committee for his or her actual travel expenses.

Under current law, the California Postsecondary Education Commission is required to review and evaluate the implementation of the provisions of existing law relating to private postsecondary institutions by the State Department of Education, and to report the results of its review and evaluation to the Legislature by January 1, 1985.

This bill would extend that deadline to September 1, 1989. It would also require the commission to review and evaluate the effectiveness of specified provisions of law in protecting the integrity of degrees and diplomas issued by private postsecondary institutions, and to report the results to the Legislature by September 1, 1989.

The provisions of existing law governing private postsecondary educational institutions are scheduled to be repealed under existing law on July 1, 1986.

This bill would make those provisions inoperative on June 30, 1991, and would repeal them as of January 1, 1992.

This bill would incorporate changes in Section 94310 of the Education Code proposed by SB 1923, but only if SB 1923 and this bill are both chaptered and become effective, and this bill is chaptered last.

This bill would take effect immediately as an urgency statute

Ch. 1728 (AB 3338) Moore. Sales and use taxes

Under the existing Sales and Use Tax Law, with respect to deficiencies, the State Board of Equalization may decrease or increase the amount of the determination before it becomes final, but the amount may be increased only if a claim for the increase is asserted by the board at or before the hearing. The claim for increase generally must be asserted within 8 years after the last day of the calendar month following the quarterly period for which the increase is asserted.

This bill would instead provide that the claim for increase must be asserted within 3 years or 8 years, as applicable, of the first deficiency determination, or the time tax records requested by the board were made available, whichever is later. It would permit the foregoing time limits to be waived by mutual agreement of the board and the taxpayer. It would require the board to specify the information on which it bases any increase.

Under the existing Sales and Use Tax Law, the State Board of Equalization may relieve a person from the payment of interest or penalties in connection with a failure to make a timely return or payment of sales tax if it finds that the failure was due to reasonable cause and circumstances beyond the person's control and notwithstanding the exercise of ordinary care and absent willful neglect.

This bill would provide that if the board finds that a person's failure to make a timely return or payment of sales or use tax is due to the person's reasonable reliance on written advice from the board, the person may be relieved of the taxes imposed and any penalty or interest added thereto. This bill would specify the criteria upon which the board's finding must be based.

This bill would express the Legislature's intent with respect to the foregoing relief provisions and would impose certain duties upon the board in implementation of various of the bill's provisions.

This bill would require the Legislative Analyst to investigate and report to the Legislature no later than January 1, 1986, regarding specified matters relating to the bill's provisions and further implementation thereof.

Ch. 1729 (SB 2310) Seymour. Developmental disabilities. parental fees

Under existing law, there is a Program Development Fund consisting of parental contributions, federal funds, and state General Fund appropriations, which are appropriated for the initiation of new programs. The State Department of Developmental Services may allocate these funds for any legal purpose when approved by the State Council on Developmental Disabilities and consistent with the priorities for program development in the state plan.

This bill would change the reference to parental contributions to parental fees to conform to changes made in the bill, as discussed below. This bill would make technical changes in these provisions.

Under existing law, the Director of Developmental Services is required to establish and annually review parental fees for services purchased through regional centers for the developmentally disabled.

This bill would recast these provisions to change the reference to parental contributions to parental fees. The bill would also provide that the parental fee schedule is exempt from specified provisions of the Administrative Procedure Act relating to the adoption of regulations.

Ch. 1730 (SB 1706) Seymour. Property

Existing law requires a notice of default under a deed of trust or mortgage to be mailed to certain interested persons and specifies the contents of that notice.

This bill would require the notice to contain a statement relating to the fact that even if property is in foreclosure, it may be offered for sale, provided the sale is concluded prior to the conclusion of the foreclosure.

Existing law specifies that only certain specified costs may be charged when enforcing

the default of an obligation secured by a deed of trust or mortgage.

This bill would, in addition, authorize the charging of costs for postponement, upon the written request of the trustor, as specified, not to exceed \$50 per postponement, and a fee for a litigation guarantee in the event of judicial foreclosure.

This bill would state that a court shall have the discretion to award attorney's fees, costs, and expenses as are reasonable, when issuing a decree of foreclosure, as specified.

Existing law provides that when enforcing the default of an obligation secured by a deed of trust or mortgage, a notice of sale is required to be posted, among other places, on the property to be sold.

This bill provides that if the property is a single-family residence and access to the property is denied because a common entrance to the property is restricted by a gate or other impediment, the notice may be posted at the gate or impediment.

Existing law provides that any sale of property conducted under the power of sale contained in any deed of trust or mortgage may be postponed at the discretion of the trustee upon instruction by the beneficiary to the trustee or upon written request of the trustor, provided that the reason for the request is to permit the trustor to obtain cash to satisfy the obligation or bid at the sale.

This bill would, in addition, require that the request by the trustor for postponement identify the source from which the funds are being obtained.

Existing law provides that the trustee under a trust deed may be substituted by recording a substitution of trustee, notice of which must be provided to certain individuals, as specified. The substitution of trustee is required to contain the date of recordation of the trust deed, the name of the trustor, the book and page where the trust deed is recorded, and the name of the new trustee. Additional requirements are imposed if the substitution is affected after notice of default has been recorded but prior to the giving of the notice of sale. Existing law also authorizes a substitution to be accomplished for certain multiple deeds of trust by recording a single document which complies with the above-specified requirements.

This bill, as an alternative, would authorize a substitution to be accomplished, as to certain multiple deeds of trust, by recording a single document without setting forth the names of all trustors and without setting forth the recording dates for all the deeds of trust for which a substitution of trustee is being made. A notice of default, relative to nonjudicial foreclosure, would not be valid unless the substitution contains all the information presently required by existing law, as specified.

This bill would incorporate additional changes in Section 2924c of the Civil Code, proposed by AB 3089, contingent upon the prior chaptering of AB 3089.

Ch. 1731 (SB 1824) Rosenthal Autopsy: decedent's religious belief insurers.

Existing law specifies various circumstances in which the coroner may, or is required, to *inquire into the cause of death, and authorizes the coroner in such cases to conduct an autopsy on the body of the deceased to determine the cause of death.* Other provisions of law authorize a coroner, in the course of an autopsy, to remove specified tissues, organs, and glands for specified purposes.

This bill would, with certain prescribed exceptions, prohibit a coroner from performing an autopsy, dissection, or removal of corneal tissue, or fluid, if the coroner has received a certificate of religious belief, executed by the decedent, that the procedure would be contrary to the decedent's religious belief. The bill would require the coroner to delay performing the procedure upon being informed by a relative or friend of the deceased that the deceased had executed a certificate of religious belief.

The bill would specify requirements for execution of a valid certificate of religious belief.

The bill would prescribe procedures for a coroner to obtain judicial review of the validity of a certificate of religious belief, or for an order authorizing an autopsy.

Notwithstanding the existence of a valid certificate of religious belief, the bill would authorize a coroner to perform any of the prohibited procedures if he or she has a reasonable suspicion that the death was caused by a criminal act of another or by a contagious disease constituting a public health hazard, and would permit a court to authorize an autopsy or other procedure if the cause of death is not evident, and the public interest in determining the cause of death outweighs the decedent's exercise of religious convictions.

The bill would absolve a coroner from liability for damages in a civil action for any act or omission taken in compliance with these provisions.

The bill would also provide that an insurer shall not be liable for payments under a life insurance policy when an autopsy is necessary to determine whether death was an accident or suicide and the autopsy is prohibited under the provisions of this bill

The bill would make other related changes

Ch. 1732 (AB 3157) Bradley Hazardous waste: civil penalties.

(1) Under existing law, the State Department of Health Services, when adopting or revising standards and regulations on hazardous waste control, is required to conform to regulations adopted by the United States Environmental Protection Agency under specified federal laws, except that the department may adopt more stringent standards or regulations

This bill would provide that these federal regulations would be in effect in the state until the department has adopted and the Secretary of State has filed as effective all standards and regulations required by the Environmental Protection Agency under that federal law, except that existing state laws or regulations which are more stringent would also be in effect.

(2) Existing law prescribes various civil penalties for violations of state hazardous waste control laws

This bill would add additional civil penalties, not exceeding \$10,000 for each violation, of prescribed actions

(3) The bill would provide that, notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would require persons, including cities, counties, and districts, to comply with additional regulations or standards required by the bill and subject them to the additional civil penalties, thereby imposing a state-mandated local program.

The bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

Ch. 1733 (AB 2274) McAlister Marital property.

Under existing law, separate property can be transmuted to community property and community property to separate property by oral agreement of the spouses, or can be implied from conduct of the spouses.

This bill would provide that, subject to specified limitations, married persons may by agreement or transfer, with or without consideration, transmute community property to separate property of either spouse, transmute separate property of either spouse to community property, and transmute separate property of one spouse to separate property of the other spouse.

This bill would require a written declaration, as specified, in order for such a transmutation of real or personal property to be valid, except as to certain gifts of personal property between spouses.

The bill would also specify which law shall apply to a transmutation of marital property made before January 1, 1985, and a transmutation made on or after that date

Ch. 1734 (SB 2331) B Greene. Workers' compensation. self-insured employers

Existing law provides that the cost of administration of the workers' compensation private self-insured program by the Director of Industrial Relations shall be borne by the private self-insurers through payment of license fees established by the director.

This bill would instead provide that these costs of administration shall be borne by the private self-insurers through payment of certificate fees, rather than license fees, estab-

lished by the director

This bill would also permit the director to assess other fees as necessary to cover the costs of special audits or services rendered to private self-insured employers.

This bill would create the Self-Insurance Plans Fund for the administration of the private self-insurance program, would require that all revenues from fees and penalties paid by private self-insured employers be deposited in the fund, and would require that any unencumbered balance in a specified item in the Budget Act of 1983 be transferred to the fund.

This bill would require the director to annually eliminate any unused surplus in the fund by reducing certificate fee assessments by an appropriate amount in the subsequent year.

This bill would appropriate \$1,128,000 from the Self-Insurance Plans Fund to the Department of Industrial Relations for support of the private self-insurance program in the 1984-85 fiscal year.

This bill would become operative on July 1, 1984.

This bill would take effect immediately as an urgency statute

Ch. 1735 (AB 1235) Frazee. Emergency medical services: regional trauma systems.

(1) Existing law requires the Emergency Medical Services Authority to receive plans for the implementation of emergency services from emergency medical services agencies, and authorizes a local emergency medical services agency to implement a local plan unless the authority determines the plan does not effectively meet the needs of residents and is not consistent with coordinating activities in the geographical area served.

This bill would, instead, require the authority to receive plans for the implementation of emergency medical services and trauma care systems from local emergency medical services agencies and, after the applicable guidelines or regulations are established by the authority, would authorize a local emergency medical services agency to implement a local plan unless the authority determines that the plan does not effectively meet the needs of persons served and is not consistent with coordinating activities in the geographical area served, or that the plan is not concordant and consistent with applicable guidelines or regulations, or both the guidelines and regulations, established by the authority. By causing local emergency medical services agencies which are already established to alter their reports, this would constitute a state-mandated local program.

(2) Existing law defines the terms "trauma case," "trauma facility," and "trauma system" for purposes of the laws relating to emergency medical services

This bill would revise the definitions of the terms "trauma care" and "trauma facility" and would substitute the term "trauma care system" for the term "trauma system," as now defined.

(3) Existing law requires the authority, with the approval of the Commission on Emergency Medical Services, to establish regulations specifying standards for the implementation of regional trauma care systems by July 1, 1984.

This bill would, instead, require the authority to submit draft regulations specifying minimum standards for the implementation of regional trauma care systems to the commission on or before July 1, 1984, and would require that the commission review and adopt the regulations on or before July 1, 1985

(4) Existing law requires a local emergency medical services agency which elects to implement a regional trauma care system to develop and submit a plan to the authority for the regional trauma care system according to the regulations established by the authority prior to the implementation.

This bill would, instead, require a local emergency medical services agency which elects to implement a trauma care system on or after the effective date of specified regulations to develop and submit a plan for that trauma care system to the authority prior to the implementation of that system.

(5) Existing law specifies that a local emergency medical services agency may implement a trauma care system only if the system conforms with regulations adopted by the authority.

This bill would permit the Santa Clara County Emergency Medical Services Agency to implement a trauma care system prior to the adoption of the authority's regulations, if the agency prepares and submits a trauma care system plan to the authority which

conforms to any regulations subsequently adopted by the authority.

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(7) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(8) This bill would take effect immediately as an urgency statute.

Ch. 1736 (AB 3879) Filante. Hazardous waste and substances.

(1) Under existing law, the State Department of Health Services may designate property upon which hazardous wastes have been deposited as hazardous waste property and may designate property within 2,000 feet of a deposit of hazardous waste as border zone property. When land is designated as hazardous waste property, the State Director of Health Services is required to order the owner to execute an instrument imposing an easement upon the land, for the purpose of permitting the department to enter upon the land for monitoring. After such a designation, no construction or placement of a building or structure for use, among others, as a residence is permitted except as specified. If an owner, lessor, or lessee knows, or has probable cause to believe, that a significant deposit of hazardous waste has occurred upon his or her land or within 2,000 feet of it, and that person intends to construct a building for use, among others, as a residence, the owner, lessor, or lessee is required to apply for a determination by the department as to whether the land should be so designated.

This bill would revise these provisions by authorizing the department, when it receives such an application, to issue a specified statement, make a recommendation to local land use authorities that they prohibit specified uses of the land, collect information for the purpose of determining whether the land should be designated as hazardous waste property or border zone property, make a determination of whether to designate the land as hazardous waste property or border zone property, and enter into an agreement with the owner, as specified below.

The bill would authorize the department to consider designating an area as hazardous waste property or border zone property whenever the department has obtained information concerning a significant disposal of hazardous wastes on that area. The bill would specify the form for the notice of service for designation of property and when the service is deemed complete, and would impose liability upon a person failing to return the acknowledgment of service for the reasonable expenses incurred in serving that person by other means.

The bill would require that the determination made pursuant to the hearing contain additional material, including an order that the owner of the designated land execute and record an instrument imposing a hazardous waste easement, covenant, restriction, or servitude, or any combination thereof, as appropriate, upon the land, instead of just an easement. The bill would delete the provision specifying that the easement is to permit the department to enter upon the land for monitoring purposes.

The bill would permit any person owning a hazardous waste property to enter into an agreement with the department to provide for restricting specified uses of the property, notwithstanding other provisions of law restricting the use of the property. The bill would require that person to bear the costs of surveying for purposes of entering into this agreement. The bill would require that notice of any hearing designating property or the agreement be provided to the public by the department at least 30 days before the hearing or the execution of the agreement.

The bill would also make conforming changes

(2) Existing law prohibits any person from disposing of hazardous waste onto land which is within 2,000 feet of specified existing uses concerning human habitation unless

the hazardous waste was being lawfully disposed of prior to August 6, 1980.

This bill would instead require that a buffer zone, as defined, of at least 2,000 feet surround the land on which is located a hazardous waste facility and would authorize the department to impose specified land use restrictions on that buffer zone and to increase the buffer zone. The bill would exempt from this requirement land which was used for the disposal of hazardous waste on August 6, 1980, and land for which the department makes a specified finding.

(3) Existing law, effective upon the adoption of the Hazardous Substance Cleanup Bond Act of 1984 by the voters at the November 6, 1984, general election, provides for the issuance and sale of general obligation bonds in an amount not to exceed \$100,000,000 and requires that these proceeds be deposited into the Hazardous Substance Cleanup Fund to be used for remedial and removal actions at sites for which a final remedial action plan has been issued and for site characterization. The money in the fund may be used for specified purposes upon the appropriation by the Legislature.

This bill would require the department to prepare a plan to implement the bond act by December 1, 1984, and would require the plan to be approved by the Secretary of Health and Welfare and submitted to the Legislature by February 1, 1985. The bill would prescribe the procedures to be included in the plan. The bill would establish the Hazardous Substance Cleanup Bond Act Implementation Committee to advise the department on implementing the bond act and would specify the membership of this committee. The bill would direct the Treasurer to give priority to scheduling the sale of the bonds.

The bill would provide that the money within the fund is available for encumbrance, upon appropriation by the Legislature, without regard to fiscal years.

These provisions would be repealed on November 6, 1984, if the voters do not adopt the bond act.

(4) The bill would make a statement of legislative intent concerning the bond act.

(5) The bill would appropriate \$800,000 from the Hazardous Substance Account to the department for the purpose of carrying out hazardous substances cleanup provisions, including implementing the bond act

(6) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act, except the provisions relating to the bond act, would remain in effect unless and until they are amended or repealed by a later enacted act.

(7) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would impose a state-mandated local program by requiring any person, including a city, county, or district, that owns land upon which hazardous wastes are deposited or near a disposal of hazardous waste, to take certain actions concerning information requests, the providing of notice, and the execution of various documents.

The bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(8) The bill would take effect immediately as an urgency measure.

Ch 1737 (SB 2142) Keene. Health.

Under existing law, there is a state agency known as the California Health Facilities Authority composed of 9 members. One of the two members appointed by the Senate Rules Committee is required to be a person serving in an executive capacity to a health facility.

This bill would instead require that member to be serving or have served in an executive capacity to a health facility.

Existing law permits a coroner, in the course of an autopsy, to remove the pituitary gland for transmittal to any public agency for use in manufacturing a hormone for the treatment of hypopituitary dwarfs. However, existing law requires the coroner to notify the next of kin or other person having the right to control disposition of the body of the decedent, if that person is known to the coroner, of the coroner's intent to remove the

decedent's pituitary gland, and that person may prevent the coroner's removal of the pituitary gland by notifying the coroner that the removal would be contrary to the religious beliefs of that person or of the decedent.

This bill would revise the coroner's authority to remove the pituitary gland during an autopsy by permitting the removal of that gland if the coroner has no knowledge of any objection to the removal by the decedent or other person having the right to control disposition of the body.

The bill would immunize the coroner, and other specified persons acting on the coroner's behalf, from criminal liability for removal of the pituitary gland as authorized by law, and from civil liability in an action brought by any person who did not object thereto prior to removal of the gland.

Ch. 1738 (AB 3508) McAlister Public retirement systems' investments.

Existing law provides that the funds of the Legislators' Retirement System, any school district retirement plan, any retirement system established pursuant to the County Employees Retirement Law of 1937 (CERL), pension trusts of local agencies, the retirement funds of municipal utility districts, and any public retirement systems, as specified, may be invested in specified investments, subject to specified conditions.

This bill would express, in the CERL and the statutes relating to pension trusts of local agencies, the intent of the Legislature to effectuate the mandate of the voters in approving Proposition 21 at the June 5, 1984, Primary Election, as specified; revise and repeal various authorizations, duties, limitations, and conditions, provide that the legislative body, trust, or other body authorized to make investments for a pension trust, the board of retirement and the board of investments of the county retirement fund under CERL, as specified, and the municipal utility district retirement board shall discharge its duties with respect to the assets of the pension trust or county retirement fund solely in the interest of the participants and beneficiaries for specified purposes, and by investing with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims; and make various related and technical changes.

This bill would take effect immediately as an urgency statute.

Ch. 1739 (AB 3445) Bane Horseracing: standardbreds

Existing law requires funds for the California Standardbred Sires Stakes Program to be deposited into a separate trust account in the State Treasury. The funds are continuously appropriated to the California Horse Racing Board for expenditure for carrying out the purposes of the program.

This bill would require every association conducting a harness racing meeting to deduct an additional 1% of the total amount handled in exotic parimutuel pools for funding the California Standardbred Sires Stakes Program. The additional amounts would be deposited in the trust account and continuously appropriated for the program.

The bill would take effect immediately as an urgency statute.

Ch. 1740 (AB 1230) Alatorre. Horseracing California Horse Racing Board

(1) Existing Horse Racing Law defines a California-bred horse

This bill would define a California-bred Appaloosa horse for that law

(2) The existing law authorizes the California Horse Racing Board to appoint employees as necessary

This bill would require the secretary of the board to be the board's executive officer and to receive the salary established by the board and approved by the Department of Personnel Administration. The board's authority to direct the operations of the staff would be deleted.

(3) Under existing law, board members are required to personally review hearings of any case referred by a steward or appealed from a decision of a steward

This bill would delete that provision

(4) Under existing law, the board is required to maintain a separate trust account in the State Treasury for payment of compensation to stewards

This bill would make an appropriation by authorizing the board to expend the trust funds for reasonable and necessary administrative expenses incurred in connection with

the steward's compensation program, but not to exceed 2% of the assessed funds.

(5) Under existing law, the board has jurisdiction and supervision over horseracing meetings in this state where parimutuel wagering is conducted

This bill would authorize the board to pay membership fees and join and participate in horseracing activities, to tabulate, analyze, and publish horseracing information, and to conduct research on horseracing accidents, the effects of drug substances on race horses, and the means for detection of foreign drug substances. The board would be authorized to terminate a temporary license for cause at any time. The board would be required to maintain a current listing of its temporary and permanent licensees and to provide a copy of the listing to a requesting agency. The board would be authorized to require a requesting agency to pay the costs of providing the listing.

(6) Under existing law, the board is required to administer and enforce all laws, rules, and regulations affecting horseracing and parimutuel wagering and to license each racing association and all persons participating in a horseracing meeting with parimutuel wagering. The board's action in suspending or revoking a license is final except that it is subject to review by a court

This bill would specify that court review of the board's action in suspending or revoking a license or undertaking any other final administrative act must be commenced in the court within 30 days of the board's action

(7) Existing law requires owners' premiums for California-bred quarter horses to be distributed within 30 days of the close of a racing meeting by the officially recognized organization representing quarter horse horsemen designated by the California Horse Racing Board, except that owners' premiums for racing meetings conducted by fairs are required to be distributed within 10 days of the close of the meeting.

This bill would instead require all the quarter horse owners' premiums to be distributed within 30 days after they are received by the officially recognized organization representing quarter horse horsemen

(8) Existing law requires any association conducting a quarter horse meeting, except for a mixed breed meeting or a fair meeting, to deduct an additional 0.2 of 1% of the total amount handled in its daily conventional and exotic parimutuel pools. After deduction of California-bred quarter horse breeder awards and administrative expenses, the amount remaining from the deduction is required to be distributed as stallion awards to sires of quarter horses placing first or second in specified races

This bill would revise the eligibility requirements for the races which would qualify for sires of quarter horses for stallion awards. In a nonmaiden claiming race, the race would be required to have a total purse value equal to or greater than the average purse value for races, other than stakes races, won by California-bred quarter horses during the previous year

(9) The bill would incorporate changes made by AB 4053 in Sections 19612.1 and 19612.2 of the Business and Professions Code if both bills are enacted and this bill is enacted last

(10) The bill would take effect immediately as an urgency statute

Ch. 1741 (AB 3369) Moore. Telecommunications devices for the deaf and severely hearing-impaired.

Under existing law, telephone corporations provide telecommunications devices to the deaf and severely hearing-impaired without charge and also provide dual party relay systems capable of connecting deaf or severely hearing-impaired persons with persons of normal hearing pursuant to a program designed and implemented by the Public Utilities Commission.

This bill would require that these telecommunications devices and dual party relay systems also be provided to the offices of organizations representing the deaf or severely hearing-impaired, as determined and specified by the commission

Ch. 1742 (AB 3344) Vicencia. Prisons.

Under existing law, the Director of Corrections and the Legislative Analyst are required to investigate the advisability of using lease or lease-purchase arrangements to finance the acquisition, construction, and underwriting of prison facilities authorized by the Legislature. They are required to report their findings and recommendations to the Legislature no later than January 1, 1984.

This bill would permit the Director of Corrections to solicit bids for a lease or lease-purchase for the establishment of a prison facility for a site in Los Angeles County, subject to specified procedures

Ch 1743 (SB 450) Presley. Prisons.

Under existing law, the Treasurer is the sole agent for the sale of bonds issued by the state or any state agency.

This bill would provide that the Treasurer is the sole agent for the sale of bonds or other evidences of indebtedness issued by a joint powers agency that are payable from payments made with respect to a lease or sale of property to or from the state or a state agency, as specified

Under existing law, the Director of Corrections and the Legislative Analyst are required to investigate the advisability of using lease or lease-purchase arrangements to finance the acquisition, construction, and underwriting of prison facilities authorized by the Legislature. They are required to report their findings and recommendations to the Legislature no later than January 1, 1984.

Existing law also gives the State Public Works Board specified powers relative to real property and public buildings.

This bill would permit the State Public Works Board to acquire sites, obtain options to purchase prison facilities, or construct prison facilities, and finance the construction by lease-purchase arrangements, as specified.

This bill would condition the authority for lease-purchase financing upon a determination by the Treasurer that the cost of lease-purchase financing is comparable to the cost of general obligation bonds, as specified

The bill would appropriate unspecified amounts necessary for lease payments from amounts appropriated for the support of the Department of Corrections. This bill would require the Department of Corrections to notify the chairpersons of 6 legislative committees of the general parameters of a proposed issuance of bonds or certificates of participation, the anticipated debt service requirements, and any other significant factors affecting the sale. This bill also would require quarterly followup reports, as specified. It also would appropriate all funds derived from the financing methods authorized by the bill to the department for the purpose of constructing prison facilities

Existing law provides that the Department of Corrections shall submit preliminary plans, proposed staffing plans, and proposed inmate work programs for all facilities included within its master plan, to the Joint Legislative Prison Committee, and the fiscal committees of the Senate and Assembly for review and approval

This bill would specify that proposed staffing patterns shall be submitted at the time preliminary inmate housing facility plans are submitted, and that proposed work-training programs [be submitted]* at the time preliminary industrial vocational education building plans are submitted.

Existing law authorizes the Department of the Youth Authority to transfer to the Department of Corrections title to property of the Preston School of Industry at Ione not currently being used.

This bill would also authorize such a transfer of title to property of the Northern California Youth Center near Stockton.

Existing law requires the Department of Corrections and the Department of the Youth Authority to jointly use the training academy at Galt.

This bill would name the academy the Richard A. McGee Academy

Existing law provides that work performed by prisoners pursuant to an order by the Director of the Department of Corrections or by the Prison Industry Authority is not subject to the State Contract Act.

This bill would amend existing law by providing that the above work performed by prisoners is not subject to the State Contract Act, provided that the total cost of a project for the construction of new, previously unoccupied prison facilities or additions to an existing facility shall not exceed fifty thousand dollars (\$50,000) unless it is first approved by the Public Works Board.

Existing law requires that certain work on public projects done under contract be awarded to the lowest responsible bidder, except that it may be done by ~~day's~~ [day]* labor in specified instances.

This bill would require for these purposes that all day labor utilized by the Depart-

ment of Corrections be performed by individuals who are represented by a duly authorized employee representative unless individuals with that qualification are not reasonably available. This bill would also require the Department of Corrections, in cooperation with the California State Building and Construction Trade Council to develop apprenticeship programs in the building trades for inmates. The Department would also be required to report to the Legislature on its plans for this program by July 1, 1985.

Existing law appropriates from the New Prison Construction Fund to the Department of Corrections \$169,370,000, to be allocated for specified purposes.

This bill would increase that appropriation to \$169,702,500 by eliminating the authorizations for construction at the California Men's Colony and for the purchase of facilities in Baker. It would specify that the amount allocated for a specified 1200-bed (Levels I and II) facility is for studies, preliminary plans, working drawings, site acquisition, and construction, and that the amount for outlay in the City of Avenal or within the city limits of Avenal is, instead, for outlay in the City of Avenal or within 5 miles of the city limits of Avenal and it would specify that the allocation for studies in Avenal is for site acquisition studies. It would increase the amount authorized for conservation and maintenance camps, as specified, and would specifically allocate \$575,000 for the Bautista Conservation and Maintenance Camp.

The bill would appropriate \$1,600,000 from the 1984 Prison Construction Fund to the Department of Corrections for specified purposes, and \$2,670,000 from the Special Account for Capital Outlay to the department for specified purposes.

The bill would, in addition, appropriate \$14,200,000 from the New Prison Construction Fund to the Department of Corrections for specified capital outlay at the California Medical Facility, the California State Prison at Folsom [San Diego]*, and the California State Prison at Riverside.

Under existing law, specified sums are appropriated by the Budget Act of 1982 and reappropriated by the Budget Act of 1983 for capital outlay, Department of Corrections, payable from the New Prison Construction Fund.

This bill would reappropriate the unencumbered balances on June 30, 1984, of certain of these appropriations, for the purposes provided in the Budget Act of 1982, to be available for expenditure until June 30, 1985. The bill would, as to certain other appropriations made by the Budget Act of 1982, specify that the unencumbered balance shall revert to the unappropriated surplus of the New Prison Construction Fund.

This bill would take effect immediately as an urgency statute.

Ch. 1744 (AB 2409) Moorhead Health facilities: cardiac catheterization.

Existing law, among other things, provides that cardiac catheterizations be performed in dedicated laboratories.

This bill would permit cardiac catheterizations to be performed in either dedicated laboratories or multipurpose laboratories, as defined.

Ch. 1745 (SB 2062) Maddy Health planning.

(1) Under existing law, health facilities and specialty clinics are required to obtain a certificate of need for various projects and alterations unless they are exempt from the provisions. Certificates of need or certificates of exemption must also be obtained for projects under the California Health Facilities Authority Act.

This bill would exempt from the certificate-of-need requirement a project which provides over 25% of its services to patients covered by prepaid health care. The bill would specifically include within the certificate-of-need requirement only those projects where 25% or less of the patients are covered by prepaid health care and those projects which are for the addition of new licensed skilled nursing beds by construction or conversion, regardless of the percentage of patients covered by prepaid health care, as defined.

This bill would also suspend indefinitely, commencing January 1, 1987, the requirement that health facilities and specialty clinics obtain certificates of need and certificates of exemption. The bill would suspend for the same period of time the requirement that certificates of need or certificates of exemption be obtained for projects under the California Health Facilities Authority Act. The bill would prohibit a general acute care hospital from using or converting its existing beds, or adding beds, for the provision of

skilled nursing services and intermediate care services, except as specified.

(2) Existing state health planning law requires that a certificate of need be obtained from the Office of Statewide Health Planning and Development before certain health facility projects are commenced, as described

The bill would exempt from these provisions, and require the office to issue the certificate of need to any project of a health facility agreeing to provide free health care services, as defined, to indigents, as prescribed, for a period of at least 5 years. The State Department of Health Services would be required to suspend the license or special permit if the health facility does not meet the terms of the agreement, until compliance with the terms is obtained.

The bill would provide that it shall become operative unless the United States Department of Health and Human Services makes a formal finding that the state is out of conformity with federal health planning law and the Director of the Office of Statewide Health Planning and Development determines by regulation that the bill would result in substantial reductions in allotments, grants, loans, or loan guarantees by the federal government to state entities. The bill would require the office director to notify each house of the Legislature of the adoption of any regulations pursuant to this provision.

(3) Under existing law, the Office of Statewide Health Planning and Development may in individual cases grant certificates of need for projects for specified reasons.

This bill would add to those reasons the reason that the applicant has provided evidence that it will deliver the proposed service in an innovative and more competitive manner or at a lower cost as specified, or that, as a health facility, it serves a disproportionate volume of publicly funded patients, or patients for whom the cost of care is uncompensated.

(4) Under existing law, the Director of the Office of Statewide Health Planning and Development is required to adopt regulations implementing health planning.

This bill would alter the requirements relating to those regulations.

(5) Under existing law, specialty clinics are required to obtain certificates of need in various circumstances.

This bill would delete specialty clinics from that requirement and substitute "surgical clinics." The bill would also repeal other provisions relating to granting certificates of need or exemption.

(6) Under existing law, applicants for a certificate of need may request an informal hearing on the matter.

This bill would specify that the Office of Statewide Health Planning and Development has discretion to grant or deny the informal hearing.

(7) Under existing law, the Office of Statewide Health Planning and Development has been assigned various powers and duties.

This bill would require the office to report to the Governor and Legislature in even-numbered years, commencing January 1, 1986, on health care services in California.

Ch 1746 (AB 3806) Robinson Health

(1) Existing law establishes certain procedural deadlines which the Office of Statewide Health Planning and Development is required to meet after receiving a complete application for a certificate of need.

This bill would change certain of those deadlines.

(2) Under existing law, the Office of Statewide Health Planning and Development may, in individual cases, grant certificates of need for projects for specified reasons.

This bill would add to those reasons the reason that the applicant has provided evidence that it will deliver the proposed service in an innovative and more competitive manner or at a lower cost, as specified, or that, as a health facility, it serves a disproportionate volume of publicly funded patients, or patients for whom the cost of care is uncompensated. Before a certificate of need could be granted pursuant to this provision, however, the bill would require the office director to receive an evaluation from the State Department of Health Services of the potential negative financial impact of the project upon any county owned or operated general acute care hospital. If a significant potential negative financial impact exists, the office director would be prohibited from issuing a certificate of need.

(3) Under existing law, applicants for a certificate of need may request an informal hearing on the matter.

This bill would specify that the Office of Statewide Health Planning and Development has discretion to grant or deny the informal hearing.

Ch. 1747 (AB 3632) W. Brown. Disabled minors.

Existing law provides for various programs which provide social services, mental health services, and educational services to disabled children.

Existing law also provides that every child has a right to a free appropriate public education.

This bill would provide that it shall be the joint responsibility of the Superintendent of Public Instruction and the Secretary of Health and Welfare to ensure maximum utilization of all state and federal resources available to provide handicapped children with a free appropriate public education, the provision of related services, as defined, and designated instruction and services, as defined.

The bill would provide that the State Department of Health Services or any designated local public health agency shall be responsible for medical services which are provided by a licensed physician and surgeon to determine a child's medically related handicapping condition which results in the child's need for special education and related services.

The bill would provide that parents shall not be liable for the costs of therapy treatment services provided by the State Department of Health Services or the State Department of Mental Health, when provided to a child in the public schools, if the services are necessary for the child to benefit from special education.

The bill also provides that the Superintendent of Public Instruction shall ensure that local education agencies provide special education and those related services and designated instruction and services contained in a child's individualized education program that are necessary for the child to benefit educationally from his or her instructional program.

The bill provides that the State Department of Health Services shall be responsible for the provision of occupation and physical therapy, and that the State Department of Mental Health, or any designated community mental health service, shall be responsible for the provision of psychotherapy or other mental health services, if these services are deemed necessary in a child's individualized educational program.

Existing law provides that the provision of special education programs and related services for children residing in state hospitals shall be the joint responsibility of the State Department of Developmental Services and the State Department of Mental Health.

This bill would also make the Superintendent of Public Instruction responsible for providing educational programs and related services to these persons.

The bill would provide that the State Department of Rehabilitation and the State Department of Education shall jointly develop assessment procedures for determining client eligibility for State Department of Rehabilitation services for handicapped pupils in secondary schools.

This bill would provide that prior to placing a child suspected of being handicapped in a residential facility, outside the child's home, a court, regional center, or public agency other than an educational agency, shall notify the administrator if the special education local plan area, where the residential facility is located, to determine if an appropriate educational program is available in the special education local plan area.

The bill would provide for meetings between a department or agency and the Superintendent of Public Instruction when a department or a designated local agency does not provide a related service or designated instruction to a child and the service is to be provided pursuant to the child's individualized education program.

The bill would also provide that, whenever a community care facility may be used for placement of a handicapped child, the State Department of Social Services shall, prior to licensing, or modifying a facility's license in order to permit expansion, consult with the administrator of the special education local plan area in order to consider the impact of licensure upon local education agencies.

The bill would require local agencies to submit to the Department of Finance an estimate of any expenditure responsibilities which are, or will be, acquired by, or shifted from, the agency due to the foregoing provisions of the bill. The Department of Finance would be required to recommend in the annual Budget Act any adjustments necessary to implement these changes in responsibility for expenditures.

The bill would require each state agency referred to in the bill to develop, where necessary, regulations implementing the foregoing provisions of the bill. Each department would be required to obtain approval of its regulations from the Superintendent of Public Instruction prior to filing them with the Office of Administrative Law.

The bill would provide that its provisions would become operative on July 1, 1985.

Under existing law, a child may be eligible to receive assistance under the county-administered Aid to Families with Dependent Children Foster Care (AFDC-FC) program if the child has been deprived of parental support or care, and if specified conditions are met.

This bill would create a state-mandated local program by providing that one of these conditions is that the individual must have been placed out of home pursuant to an individualized education program.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would create a state-mandated local program by imposing various requirements upon educational agencies.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 1748 (AB 737) Harris. Open-space and recreation facilities assistance

(1) Under the Roberti-Z'berg Urban Open-Space and Recreation Program Act, administered by the Department of Parks and Recreation, grants are made by the department to applicant cities, counties, recreation and park districts, and certain public utility districts in urbanized, heavily urbanized, and nonurbanized areas, as defined, for the acquisition or development of recreational lands and facilities for recreational and open-space purposes. Under the act, "urbanized areas" and "heavily urbanized areas" are based on population, as determined by the department, in cooperation with the Department of Finance, on the basis of the most recent verifiable census data.

This bill would redesignate the program as the Roberti-Z'berg-Harris Urban Open-Space and Recreation Program. The bill would require the population determination to be made by the Department of Finance on the basis of the most recent verifiable census data.

(2) Under the act, the Director of Parks and Recreation is required to propose criteria for determining priority of need for purposes of making grants and to submit those criteria to the Legislature for its approval by statute.

This bill would require the director to propose revised criteria, giving recognition to specified factors in establishing those criteria, and to submit the proposed revised criteria to the Legislature by March 31, 1986.

(3) Under the act, grant recipients are required to submit periodic reports to the department with respect to its use of the grant, as the department requires, but not more frequently than on a semiannual basis.

This bill would prohibit those reports being required more frequently than annually. The bill would also require a grant applicant for a project involving the acquisition of productive agricultural lands or other lands the acquisition of which may have an adverse economic impact on neighboring agricultural operations, to hold a public hearing, as specified, and to include a summary of comments at that hearing with the grant application.

(4) Under the act, 2% of need-basis and block grant moneys may be expended by grant recipients for innovative programs, as defined, for the handicapped, and up to 31% of those moneys may be expended for operation and maintenance costs and innovative recreational programs, as defined.

This bill would delete those provisions and instead would authorize up to 30% of grant moneys to be expended for special major maintenance projects or innovative recreation programs, or both, as defined.

(5) Under the act, grants are required to be made on the basis of 75% state money and 25% local matching money.

This bill would require grants to be made on the basis of 70% state money and 30% local matching money, of which not less than $\frac{1}{3}$ would be required to be from private or nonstate sources, as specified. The bill would require the department to establish criteria and procedures for the waiver of the private or nonstate source requirement.

(6) The bill would also require that an amount equal to \$1 50 per capita of the state be transferred from the Special Account for Capital Outlay in the General Fund to the Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Account in the General Fund each fiscal year beginning with the 1986-87 fiscal year, except as specified, and would provide that those funds shall be available for expenditure when appropriated by the Legislature.

(7) The bill would specify that grants from moneys appropriated from the Parklands Fund of 1984 be made according to, and are governed by, the act as it read on June 5, 1984

(8) The bill would also make additional technical and conforming changes.

Ch 1749 (SB 1297) L. Greene. School property State School Building Lease-Purchase Fund.

(1) The State School Building Lease-Purchase Law of 1976 provides for the acquisition and construction of facilities by the state and the lease-purchase of those facilities by school districts.

This bill would specifically authorize the State Allocation Board to approve projects and make apportionments in amounts not exceeding those funds on deposit in the State School Building Lease-Purchase Fund plus any amount of bonds authorized but not yet sold by the Treasurer

This bill would specifically authorize the State Allocation Board to make disbursements from the State School Building Lease-Purchase Fund irrespective of whether there exists at the time of the disbursement a sufficient amount in the fund to permit payment in full of all apportionments previously made, except as specified.

(2) Existing law provides that not more than \$200,000,000 of the money authorized by a bond act to be approved by the voters at the November 6, 1984, General Election for the acquisition and construction of facilities by the state and the lease-purchase of those facilities by school districts may be reserved for reconstruction or modernization of facilities.

This bill would provide that of those reserved moneys, the State Allocation Board may reserve not more than \$25,000,000 for school districts to acquire sites and construct school facilities for school sites which meet specified criteria relating to inadequacies due to increased enrollment. These provisions would become operative only if the State School Building Lease-Purchase Bond Act of 1984 (Chapter 375 of the Statutes of 1984) is approved by the voters

(3) Under existing law, the Director of General Services is required to provide the State Allocation Board with assistance as the board requires. Existing law does not contain any provision authorizing the board to employ its own personnel

This bill would authorize the board, by a majority vote of its members, to appoint an assistant executive officer to report directly to the board

(4) Under existing law, the State Lands Commission is required, with certain exceptions, to deposit tidelands revenues, moneys, and remittances in the State Treasury, and to allocate the moneys to specified obligations in a specified order

Chapter 258 of the Statutes of 1984, for the 1984-85 fiscal year only, requires that \$100,000,000 of those funds be transferred to the State School Building Lease-Purchase Fund. Chapter 268 of the Statutes of 1984 requires that in each of the 1985-86, 1986-87, 1987-88, and 1988-89 fiscal years, \$125,000,000 of those funds shall be transferred to the State School Building Lease-Purchase Fund

This bill would further revise those allocations by increasing the amounts to be transferred in each of the 1984-85, 1985-86, 1986-87, 1987-88, and 1988-89 fiscal years to \$150,000,000.

This bill would also reduce the amounts to be transferred to the Capital Outlay Fund for Public Higher Education, and revise the amounts to be transferred to the Energy and Resources Fund [, the Special Account for Capital Outlay,]* and the General Fund.

(5) This bill would reappropriate the unencumbered balances of the Energy and Resources Fund for transfer to, in augmentation of, the unappropriated balance of the Special Account for Capital Outlay in the 1984-85 fiscal year. The bill would reappropriate \$22,500,000† from the Special Account for Capital Outlay to the Asbestos Abatement Fund

(6) This bill would take effect immediately as an urgency statute

Ch 1750 (AB 3943) Bader. Family physician training program. skilled nursing facilities.

The existing family physician training program is limited to physicians who have received specialized training in an approved family practice residency, as specified

This bill would express the intent of the Legislature that osteopathic physicians be included within the family physician training program

The bill would also require the Health Manpower Policy Commission and the Office of Statewide Health Planning and Development to conduct a special study on the overall needs for special state funding, through the Family Physician Training Act, of medical residency training programs for family physicians

The bill would also require the State Department of Health Services to conduct a skilled nursing facility expenditure study, as specified, and would appropriate \$200,000†† to the department to carry out the study.

This bill would take effect immediately as an urgency statute

Ch. 1751 (AB 2377) Davis Asbestos in schools.

(1) Existing law permits the governing board of every school district to conduct programs to control or eliminate health problems posed by the presence of asbestos in its schools.

This bill would repeal the above provision of existing law, and instead permit school districts and county offices of education to apply to the State Allocation Board for funds for the purposes of containment or removal of asbestos materials which pose a health hazard, as defined. The bill would require the State Allocation Board to develop board policies for the apportionment of funds appropriated for the containment or removal of asbestos materials in schools. The bill would allow each school district to credit certain funds used for the inspection, sampling, analysis, containment, or removal of asbestos materials to the district's deferred maintenance fund in the 1984-85 fiscal year, and any excess to be credited as unmatched funds in the 1985-86 fiscal year.

The bill would create the Asbestos Abatement Fund and would continuously appropriate the fund for the purpose of making allocations to school districts and county offices of education for the containment or removal of asbestos.

This bill would provide for the transfer of \$22,500,000††† from the General Fund to the Asbestos Abatement Fund for each of the 1984-85 and 1985-86 fiscal years.

(2) Existing law permits the governing board of each school district to establish a district deferred maintenance fund to be used for specified purposes.

This bill would permit those funds to be used for the inspection, sampling, and analysis of building materials to determine the presence of asbestos-containing materials.

(3) This bill would provide that if AB 3141 is chaptered and becomes effective, the Brea-Olinda Unified School District shall be eligible to receive an apportionment under this bill and may use any apportionment it receives to repay the loan received by the district pursuant to AB 3141.

(4) The bill would take effect immediately as an urgency statute

Ch 1752 (AB 2761) Nolan. Youths

Existing law authorizes a court, prior to hearing evidence on the proper disposition of a minor whom the court has found to be a person who may be declared to be a

† Appropriation in Section 6 of chapter reduced to \$10,000,000 by action of the Governor

†† Appropriation in Section 2 of chapter deleted by action of the Governor

††† Appropriations in Section 10 of chapter eliminated by action of the Governor

dependent child or ward of the juvenile court, to continue the hearing for various purposes, not to exceed 10 judicial days if the minor is detained, and up to 30 days from the date of the filing of the petition if the minor is not detained. The hearing may be continued for an additional 15 days, for good cause shown, if the minor is not detained.

This bill also would authorize such a continuance to refer the minor to a juvenile justice community resource program, as defined. The bill would require the Director of the Youth Authority, upon request, to provide technical assistance to various specified persons and groups in developing and implementing these programs, as well as to administer the funding of selected juvenile justice community resource programs, as specified. The bill would also require the Director of the Youth Authority to appoint an 8-member advisory committee, as specified, to advise him or her on matters relating to these provisions.

It also would appropriate \$400,000† from the General Fund to the Youth Authority for the purposes of the bill.

Ch 1753 (AB 3212) Farr. Schools pupils' graduation requirements.

(1) Existing law specifies that commencing with the 1986-87 school year, no pupil shall receive a diploma of graduation from high school who, while in grades 9 through 12, has not completed prescribed courses, including, among others, one course in fine arts or foreign language.

This bill would, instead, include among these graduation requirements the completion of one course in visual or performing arts or foreign language.

This bill would express legislative intent that legislation be enacted to provide that commencing with the 1987-88 school year, courses in both visual or performing arts and foreign language be a high school graduation requirement. The bill would require the Department of Education to report to the Legislature, as specified, on each of these requirements, on or before January 1, 1986.

(2) This bill would appropriate \$50,000† to the State Department of Education for the 1984-85 fiscal year for purposes of the department's reports on the foreign language requirement and the visual or performing arts requirement, respectively, with \$25,000 allocated for each of the 2 reports.

Ch 1754 (SB 2012) Watson. Fair employment practices.

Existing law prohibits discrimination in employment by any employer regularly employing 5 or more persons on the basis of the race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex, or age of a person, and specifies activities in this regard which are unlawful employment practices.

Existing law also makes it an unlawful employment practice, because of the above-specified factors, to harass an employee or applicant for employment, requires the entity to take all reasonable steps to prevent harassment from occurring, and provides that loss of tangible job benefits would not be necessary to establish harassment.

This bill would provide that the above provisions prohibiting harassment of an employee or applicant for employment apply to any person regularly employing one or more persons, rather than 5 or more persons, and would make it an unlawful employment practice for employers and others subject to these provisions to fail to take all reasonable steps necessary to prevent discrimination and harassment from occurring.

Existing law requires the Fair Employment and Housing Commission to hold hearings on accusations of discrimination in employment, and to determine the issues raised in those hearings.

Existing law also prohibits discrimination in state civil service employment on the basis of specified factors, and requires the State Personnel Board to make investigations and hold hearings concerning the enforcement of these provisions.

This bill would provide that if the commission or the board finds that a person has engaged in prohibited discrimination, and it appears that the discrimination consisted of acts described in specified Penal Code provisions relating to sex crimes, the commission or board would be required, with the consent of the complainant, to provide the local district attorney's office with a copy of its decision and order.

Existing law provides that a state civil service employee or person whose name ap-

† Appropriation in Section 3 of chapter deleted by action of the Governor

pears on an employment list may be disciplined for specified actions.

This bill would, in addition, permit this discipline for unlawful discrimination or harassment on the basis of specified factors against the public or other employees while a state employee, and for unlawful retaliation for good faith disclosure of actual or suspected violations of law occurring on the job or directly related to the job.

This bill would also provide that if the State Personnel Board finds that discrimination has occurred in violation of the State Civil Service Act, the board shall issue and cause to be served on the appointing authority an order requiring the appointing authority to cause the discrimination to cease and desist and to take action, including, but not limited to, hiring, reinstatement or upgrading of employees, with or without back pay, and compensatory damages. In addition, the order shall include a requirement of reporting the manner of compliance.

Ch. 1755 (AB 2872) Papan. Public employees' retirement funds custodian services

Existing law confers investment powers over the assets of the State Teachers' Retirement System (STRS) and the Public Employees' Retirement System (PERS) upon, respectively, the Teachers' Retirement Board and the Board of Administration of PERS.

This bill would require the Joint Committee on Pension Fund Investments, the Treasurer, and the PERS to jointly select, with final selection being made by the committee, a contractor which, with the assistance of the staffs of PERS, the Treasurer, the Controller, the Department of Finance, and the State and Consumer Services Agency, shall evaluate the custodian services provided to PERS and STRS, methods of improving those services, and master custodian services offered by major banks and trust companies, as specified, and shall report thereon, as specified, to the committee by no later than January 1, 1985.

This bill would appropriate for the purposes of this act \$42,250 from the Public Employees' Retirement Fund to the Board of Administration of PERS, and \$42,250 from the General Fund to the Treasurer.

This bill would take effect immediately as an urgency statute.

Ch 1756 (AB 2834) Seastrand Public Employees' Retirement System state safety members—industrial disability retirement.

The Public Employees' Retirement Law provides a disability retirement allowance to a state safety member who retires for industrial disability of 50% of final compensation or, if qualified therefor and it is greater, the service retirement allowance.

This bill would require that a state safety member employed in the Department of Corrections or the Department of the Youth Authority with 25 or more years of service and who retires on or after January 1, 1982, for industrial disability shall receive either the above disability allowance or a disability allowance equal to 1/50th of final compensation multiplied by the number of years of credited state safety member service in those departments.

This bill would not become operative for any eligible member, unless and until it is first agreed to in a memorandum of understanding which is reached between the state and the exclusive representative of State Bargaining Unit No. 6 pursuant to the State Employer-Employee Relations Act and approved by the Legislature pursuant to law.

Ch. 1757 (AB 2767) W. Brown. Historic State Capitol

There is no specific provision made by existing law for comprehensive control, management, and development by one state agency of the State Capitol building, with regard to the historical significance of the buildings. Presently, the control of use and allocation of space in the historic State Capitol and in the newer east annex thereof is vested in the Legislature, with specified exceptions for certain space placed in control of the Department of General Services.

This bill would create a Historic State Capitol Commission, which would have review and limited management over specified aspects of the historic State Capitol, as defined. The east annex of the historic State Capitol, however, would remain under the control of the Legislature and the Department of General Services, as presently provided by law.

The 7-member commission, 2 members appointed by the Speaker of the Assembly,

2 members appointed by the President pro Tempore of the Senate, the State Historic Preservation Officer, the State Librarian, and the State Archivist, would have the following powers, among others: to review and advise the Legislature on any development, improvement, or other physical change in any aspect of the historic State Capitol; to manage, with the approval of the Joint Rules Committee, all historic and museum spaces and concessions in the historic State Capitol; to purchase or accept gifts of furnishings, works of art, artifacts, or other property; under the supervision of the Joint Rules Committee, to manage the furnishings, works of art, artifacts, or other property of the historic State Capitol; and to accept financial contributions. The commission would also be authorized to develop a comprehensive master plan for the restoration, preservation, and maintenance of the historic State Capitol.

The commission would have other powers and duties, as specified, and would be required to report annually to the Legislature on its activities. The commission would be supported by allocations by the Joint Rules Committee from the Contingent Funds of the Assembly and Senate.

The bill would make other amendments in existing law relating to control of the historic State Capitol and the east annex thereof, consistent with the matters committed by the bill within the duties of the Historic State Capitol Commission.

The bill would reappropriate one-half of any funds previously appropriated for purposes of the restoration or rehabilitation of the west wing of the historic State Capitol, and not expended upon completion of the restoration project, to the Assembly Contingent Fund and one-half to the Senate Contingent Fund.

This bill would take effect immediately as an urgency statute.

Ch 1758 (SB 2060) Foran. Courts: compensation of judges.

(1) Existing law specifies the salaries of justices of the Supreme Court and courts of appeal, and judges of superior and municipal courts. Under the California Constitution, these statutes constitute appropriations. The salaries of justices of the Supreme Court and courts of appeal are paid by the state. Salaries of superior court judges are paid partly by the state and partly by the counties. Salaries of municipal court judges are paid by the counties.

This bill would revise the salaries of these justices and judges as follows: Chief Justice - \$93,140; Associate Justice - \$88,818; court of appeals - \$83,268, superior court - \$72,763; municipal court - \$66,449, thereby making an appropriation.

(2) This bill would appropriate \$22,000 from the General Fund to the Controller for allocation and disbursement to the Supreme Court and the courts of appeal.

Ch. 1759 (SB 645) Dills. Public employees.

(1) The existing Legislators' Retirement Law authorizes the granting of service credit in the Legislator's Retirement System (LRS) for military service while absent on military leave.

This bill would include, for the LRS, as "military service," time during which any LRS member or former LRS member who retired on or after December 31, 1981, with 10 years of service in the system on or before December 31, 1984, served continuously and for not less than one year in the armed forces or Merchant Marine, as specified, of the United States prior to first assuming a state office for which membership in the LRS was elective, on the basis of one year of credit for each 5 years of service in the LRS, not to exceed a total of 4 years' credit, provided that the member or retired person pays specified contributions, has not received credit for such service pursuant to any other provision of law, and elects for this service credit before January 1, 1986.

(2) Existing law provides for examinations to establish eligible lists for state civil service employment or for promotions of civil service employees holding positions in appropriate classes.

This bill would provide that persons who on June 5, 1984, are employed by the Legislature, with not less than 12 months of service as of the effective date of this provision, in a position exempt from state civil service, shall be eligible to apply for promotional civil service examinations for which they meet the minimum qualifications prescribed by the class specification, as specified.

(3) Chapter 305 of the Statutes of 1984 revised the time limitations for permissive reinstatement of state employees, as specified, effective January 1, 1985.

This bill would add provisions identical to those of Chapter 305 of the Statutes of 1984, effective immediately

(4) Existing law provides for nonindustrial disability leave for specified full-time and part-time employees of the State of California.

This bill would include, for purposes of nonindustrial disability leave, part-time employees of the Legislature, as specified

(5) Existing Item No. 8320-001-001 of the 1984-85 Budget Act makes an appropriation for the support of the Public Employment Relations Board

This bill would appropriate \$80,000 to, and in augmentation of, that item for support of the Public Employment Relations Board for the purposes of (a) a contract to collect, analyze, and compare data on public and private health benefits and cost containment, as specified, and (b) a specified report to the Legislature regarding the extent to which school districts have adopted collective bargaining agreements which permit the suspension of certificated employees.

(6) The bill would take effect immediately as an urgency statute

Ch. 1760 (SB 1841) Craven Taxation of mobilehomes: manufactured homes

Under existing law, some mobilehomes are subject to the property taxes imposed by local government, and some are subject to the vehicle license fees imposed by the state. If a mobilehome subject to the state's vehicle license fees is delinquent 120 days or more, it becomes subject to local property taxes, rather than the state's license fee.

This bill would delete the provision which subjects a mobilehome to local property taxes if it is delinquent 120 days or more under the state's Vehicle License Fee Law. This has the effect of increasing state taxes which requires a $\frac{2}{3}$ vote of the Legislature. The bill would provide procedures for reinstating mobilehomes under the Vehicle License Fee Law if applications for reinstatement, which are required to be provided by the Department of Housing and Community Development, are filed with a postmark dated no later than December 31, 1986, and unpaid sales or use taxes, as specified, are paid. It would also make any manufactured home or mobilehome subject to the vehicle license fees imposed by the state for which registration has been allowed to lapse for 120 days or more subject to a penalty of \$50 per transportable unit and would provide a lien in favor of the state in the amount owing because of nonpayment of specified fees and penalties for the registration of manufactured homes or mobilehomes.

It would also prohibit the Department of Housing and Community Development from amending the permanent title record of a manufactured home or mobilehome which is subject to the lien for certain purposes, or from issuing any duplicate, substitute, or new certificate of title, registration card or copy of a registration card with respect to the manufactured home or mobilehome, until the lien is paid.

The bill would take effect immediately as an urgency statute.

DIGESTS OF STATUTES
ENACTED IN 1984

1983-84 SECOND EXTRAORDINARY SESSION

BILL CHAPTERS**Ch. 1 (AB 1) Katz. Community colleges: fees, finance**

(1) This bill would declare the Legislature's intent pertaining to the fees imposed by this bill

(2) Existing law authorizes the governing board of a community college district to charge various permissive fees

This bill would, until January 1, 1988, eliminate the authorization to impose a fee (1) upon a participating student when physical education courses are required to use non-district facilities, (2) for filing an application for admission or readmission after the established deadline, (3) for participation in an instructionally-related field trip or excursion within the state, (4) for the cost of medical insurance required for students participating in a field trip or excursion, (5) for instructional materials, (6) for materials used to make articles in adult classes; (7) for health services, (8) for certain transportation to and from community colleges provided by the district, and (9) for adding courses more than 2 weeks after instruction begins. The bill would also exclude a community college district governing board from a provision regarding the selling of the eye protective devices required to be worn in courses involving activities likely to cause injury to the eyes until January 1, 1988.

This bill would impose a state-mandated local program by requiring any district which provided health services in the 1983-84 fiscal year for which it was authorized to charge a fee to maintain health services at the level provided during the 1983-84 fiscal year until January 1, 1988.

With regard to the fees authorized to be charged for parking services, this bill would specify that in no event shall the fees required for these services exceed the actual cost of providing the services. This bill would limit the use of the parking fees to parking services for vehicles and motor vehicles and for the reduction of costs to students and faculty of using public transportation to and from the college.

(3) This bill would impose a state-mandated local program by requiring the governing board of each community college district, commencing with the term which begins after July 31, 1984, to charge each student a fee equal to \$50 per semester for students enrolled in classes totaling 6 or more credit semester units, and \$5 per unit per semester for those enrolled in classes totaling less than 6 credit semester units, or the equivalent. This requirement would not apply to students enrolled in certain noncredit courses or to recipients of certain public assistance funds.

Ninety-eight percent of the fee proceeds, and of reimbursements received for exemption from the payment of fees by recipients of public assistance, would be deemed to be local property tax revenues for the purpose of computing apportionments.

This bill would require the Chancellor of the California Community Colleges to reduce by up to 10% the funds apportioned to any community college district which fails to collect tuition fees.

The fee requirement would not apply to semesters, terms, or quarters which begin after January 1, 1988.

(4) Existing law requires the chancellor to apportion state aid to community college districts according to a specified procedure.

This bill would make various changes in that procedure.

This bill would permit the chancellor to adjust allocations provided to districts for the period of July through January, as provided, upon the demonstrated need of any community college district for increased allocation levels in any month which are based on district expenditure patterns and cash flow needs.

(5) Existing law prescribes the method for computation of the average daily attendance for apportionment purposes of a community college district.

If the total actual average daily attendance of a district declined in the 1984-85 fiscal year from the fully funded average daily attendance of the 1982-83 fiscal year, this bill would permit the district to increase its 1984-85 fiscal year average daily attendance up to the level of its 1982-83 fully funded average daily attendance, and would require the chancellor to adjust the 1984-85 base revenues by the appropriate incremental cost rate.

For the 1984-85 fiscal year and each fiscal year thereafter, this bill would also require an adjustment to a district's base revenues to be made, as specified, for the next year if a district's total actual average daily attendance for the current fiscal year is less than

its base average daily attendance

This bill would also prescribe other adjustments in the base revenue computation for the 1984-85 fiscal year to take into account the total amounts prescribed for certain equalization and cost-of-living adjustments

(6) Under current law, increases in statewide average daily attendance are required to be based upon the rate of change of the state's adult population as determined by the Department of Finance.

This bill would prescribe the basis for, and various requirements relating to, the statewide adult population percentage change reported by the Department of Finance

(7) This bill would require the chancellor, in consultation with the California Postsecondary Education Commission, to conduct a study of the impact of the mandatory tuition fee upon the California community colleges with regard to specified matters. The chancellor would be required to submit findings and recommendations based upon the study to the Joint Legislative Budget Committee and the California Postsecondary Education Commission in a progress report by January 1, 1987, and in a final report by July 1, 1987. The bill would require the commission to submit written comments and recommendations regarding the progress report and final report to the Legislature. This bill would appropriate \$100,000 to the chancellor for the purpose of carrying out the study, and would require the chancellor to enter into an interagency agreement with the California Postsecondary Education Commission to reimburse the commission for the cost of carrying out its duties under these provisions. This bill would also require the chancellor to conduct a specified study regarding noncredit courses

(8) This bill would appropriate \$15,000,000 per year according to a specified schedule to the Board of Governors of the California Community Colleges for purposes of providing financial aid funds directly to low-income students who cannot afford to pay the fee required by this bill, and for purposes of reimbursing districts for the amount of fees lost due to the exemption from the fee requirement provided to students receiving certain public assistance funds. The chancellor would be required to allocate these funds to community college districts, subject to certain conditions. Districts receiving an allocation of these funds would be required to utilize appropriate financial need criteria, including certain specified criteria. The bill would require the chancellor to submit a plan summarizing the allocations to be made to the California Postsecondary Education Commission, the Legislative Analyst, and the fiscal and educational policy committees of both houses of the Legislature by June 15, 1984. The commission would be required to review the plan and submit its recommendations to the fiscal and education policy committees of each house of the Legislature

If the amount of funds appropriated by this bill for the above described financial aid and reimbursement exceeds the need for those funds, this bill would require the excess to revert to the General Fund. This bill would also require the Director of Finance to take any available administrative action to transfer the additional amount certified by the chancellor to be necessary for providing that financial aid and reimbursement, if the amounts needed for those purposes are greater than the amounts appropriated by this bill.

(9) Existing law provides for the Capital Outlay Fund for Public Higher Education and appropriates various amounts to that fund

This bill would transfer \$28,000,000 from the unencumbered balance of that fund to the General Fund

(10) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

(11) This bill would become operative on July 1, 1984, with the exception of items (8) and (9), above, which would become operative on the effective date of this bill

DIGESTS OF RESOLUTIONS AND PROPOSED
CONSTITUTIONAL AMENDMENTS
ADOPTED IN 1984

1983-84 REGULAR SESSION

RESOLUTION CHAPTERS

Res Ch 1 (ACR 7) Papan California public pension funds

This measure would create the Joint Committee on Public Pension Fund Investments as an investigating committee of the California Legislature. It would charge the committee with studying the manner of increasing the yield on portfolio investments of all California public pension funds, improving the financial responsibilities of corporations to their public pension fund shareholders, and evaluating portfolio potential, among other things.

This measure would provide for the appointment of members to the committee, would provide for additional powers and duties of the committee staff and would provide for the funding of the committee from the contingent funds of the Assembly and the Senate by the Joint Rules Committee. It would provide for the termination of the committee on November 30, 1984.

Res Ch 2 (SCA 14) Rosenthal Property taxation: new construction

Under the California Constitution, real property is generally required to be assessed for taxation purposes at its 1975 value, as increased by an inflationary rate not to exceed 2% a year. Newly constructed property is subject to reassessment.

This measure would exclude from the term "newly constructed" property and thereby exclude from reassessment, the portion of reconstruction or improvement to a structure, constructed of unreinforced masonry bearing wall construction, necessary to comply with any local ordinance relating to seismic safety during the first 15 years following that reconstruction or improvement.

Res Ch 3 (AJR 57) Clute California agricultural pest management

This measure would request that the United States Department of Agriculture increase its agricultural pest inspection activities at California's Mexican border and at California's international points of entry. The measure would also request that the United States Department of Agriculture increase its participation in California's pest eradication programs.

Res Ch 4 (SCR 46) Robbins School health week

This measure would proclaim January 23 to 27, 1984, as School Health Week in California.

Res Ch. 5 (ACR 107) Hughes Los Angeles Raiders

This measure would commend the Los Angeles Raiders, world champions of professional football for 1983-84, for their victory in Super Bowl XVIII.

Res. Ch 6 (SCR 51) Roberti Los Angeles Raiders.

This measure would salute the head coach, manager and general partner, the Super Bowl MVP and the other team members, and staff of the Los Angeles Raiders for their victory in Super Bowl XVIII.

Res Ch 7 (ACR 72) Clute Exemplary pupil attendance

This measure would request the Superintendent of Public Instruction to establish guidelines for determining exemplary pupil attendance and would request the superintendent to urge school districts to acknowledge exemplary pupil attendance by appropriately annotating report cards and transcripts.

Res Ch 8 (AJR 78) Hauser Social security coverage employees of nonprofit organizations

This measure would memorialize the President and Congress of the United States to enact legislation which would exclude from social security coverage existing employees of nonprofit organizations and would include within that coverage new employees of nonprofit organizations, as specified.

Res Ch 9 (AJR 86) Killea Offshore oil drilling Lease Sale 80

This measure would urge the President and Congress to delete from the proposed Lease Sale 80 until January 1986, those tracts off the San Diego County coastline, and to conduct public hearings to permit citizen groups to participate in the process and

express their concerns on the special needs of the San Diego area, and to establish a local, technical advisory committee to meet with and advise the Department of the Interior in a joint review of existing procedures, policies, and regulations governing outer continental shelf development to determine if the proposed Lease Sale 80 meets the requirements of specified federal acts, and to determine what changes may be necessary in procedures and regulations.

Res Ch. 10 (ACR 100) Katz. Earthquake Awareness Week

This measure would proclaim February 5-11, 1984, as California Earthquake Awareness Week.

Res. Ch. 11 (SCR 45) Dills Joint Committee on the State's Economy

This measure would continue in existence until November 30, 1984, the Joint Committee on the State's Economy, and the advisory committees thereof

Res Ch. 12 (ACR 106) Hauser Women's History Week

This measure would urge celebration of International Women's Day on March 8, 1984, and designate March 4 through 10, 1984, as Women's History Week

Res Ch 13 (ACR 132) Klehs Vision.

This measure would proclaim the week of March 4-10, 1984, as Save Your Vision Week

Res Ch 14 (ACR 141) Vasconcellos Wellness Week

This measure would urge participation in and support of Wellness Week and proclaim the week of March 11 through 17, 1984, as "Wellness Week 1984"

Res. Ch. 15 (SCR 73) Watson. Wellness Week

This measure would urge participation in and support of Wellness Week and proclaim the week of March 11 through 17, 1984, as "Wellness Week 1984"

Res. Ch. 16 (ACR 104) Condit. National Agriculture Week

This measure would proclaim the week of March 19 through March 25, 1984, as National Agriculture Week and March 20, 1984, as Agriculture Day

Res Ch. 17 (SJR 27) Keene American Indian child welfare service programs

This measure would memorialize the President and the Congress of the United States to increase the appropriation for Title II of the Indian Child Welfare Act of 1978 to \$12 million, to continue funding of all Title II programs both on and off the reservation, and to restore to this state an equitable share of Title II funds based upon population and need.

Res Ch 18 (ACR 95) Allen Cancer Awareness Week.

This measure would proclaim April 2 through 8, 1984, as Cancer Awareness Week

Res Ch 19 (SCR 70) Robbins Bill Johnson

This measure would commend Bill Johnson on the occasion of his winning the gold medal in the men's downhill Alpine ski race at the 1984 Winter Olympics in Sarajevo, Yugoslavia.

Res Ch. 20 (ACR 65) Mountjoy Better Hearing and Speech Month

This measure would proclaim the month of May as Better Hearing and Speech Month

Res. Ch. 21 (AJR 87) Mojonmier Agricultural pests 1984 Olympics

This measure would memorialize the United States Department of Agriculture to meet with state and local agricultural officials to develop a plan to protect this state from pest and disease introductions associated with the 1984 Olympics. The measure would also memorialize the federal government to provide the additional temporary resources to carry out the needed inspections at airports and other points of entry that will experience increased use in association with the Olympics

Res Ch. 22 (ACR 93) Bergeson Pupil performance standards vocational education

This measure would request the State Board of Education and the State Department of Education to develop vocational education standards consistent with new statewide graduation requirements and model curriculum standards being prepared for distribution to local school districts for purposes of comparison with existing graduation requirements and model curriculum standards. This measure would request the State Board of Education and the State Department of Education to establish an advisory board to determine whether the needs of students, including limited-English-proficient students enrolled in vocational education programs are being met and whether they are affected by the new graduation requirements and curriculum standards, and to submit a report to the Legislature on these issues on or before January 1, 1986.

Res Ch 23 (SCR 39) Maddy State highways Route 140 Blue Star Memorial Highway

This measure would designate State Highway Route 140 as a Blue Star Memorial Highway

The measure would authorize the Department of Transportation to cooperate with California Garden Clubs, Inc , in erecting and maintaining appropriate memorial markers on Route 140

Res. Ch. 24 (SCR 41) Keene State Highway Route 101. Blue Star Memorial Highway

This measure would designate State Highway Route 101 as a Blue Star Memorial Highway and would authorize the Department of Transportation to cooperate with the California Garden Clubs, Inc , in erecting and maintaining appropriate memorial markers on Route 101

Res Ch 25 (ACR 4) Farr Heritage Task Force.

The Heritage Task Force was established pursuant to Resolution Chapter 75 of the Statutes of 1981, with specified purposes and duties Under that resolution chapter, the Joint Rules Committee may not allocate more than \$20,000 of contingent funds for the expenses of the task force and its members

This measure would continue the existence of the Heritage Task Force until November 30, 1984, under the same terms and conditions as those in Resolution Chapter 75 of the Statutes of 1981 The measure would also delete the expenditure limitation

Res. Ch. 26 (SJR 41) Mello. International trade barriers wine.

This measure would memorialize the President and Congress to enact legislation that would accomplish specified goals relating to achieving access to foreign markets for United States wine substantially equivalent to the market access afforded to foreign wine by the United States.

Res Ch 27 (SJR 29) Speraw American prisoners in Southeast Asia

This measure would memorialize the President and Congress to take all appropriate action to secure the release of Americans held as military or diplomatic prisoners in Southeast Asia, and would commend the organizers and participants of "Project Bring Americans Home" for their efforts seeking the release of Americans held prisoner

Res Ch 28 (ACR 113) Katz Holocaust Memorial Week

This measure would designate the week of April 29 to May 6, 1984, as Holocaust Memorial Week, and would urge Californians to appropriately observe these Days of Remembrance of the Victims of the Holocaust

Res Ch. 29 (ACR 114) Vicencia Child Abuse Prevention Month

This measure would designate the month of April 1984, as Child Abuse Prevention Month

Res Ch 30 (ACR 123) Hayden Asbestos Awareness Week

This measure would declare the week of May 21, 1984, as "Asbestos in the Schools Awareness Week" and would direct the State Department of Education to take specified actions

This measure would also request that the State Department of Health Services and

the Governor take specified actions and that the State Department of Education submit various reports to the Legislature by January 1, 1985.

Res Ch 31 (SCR 33) Watson Health care: life-sustaining treatment.

This measure would commend the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research and the federal Department of Health and Human Services in relation to health care for handicapped infants. This measure would also state that the Legislature acknowledges the complexity of the legal, ethical, and medical issues involved in decisions affecting life-sustaining treatment, that the Legislature supports and encourages the formation of local review processes within professional health care associations and health care facilities to develop written policies about decisionmaking procedures and internal hospital review of cases of patients with severe birth defects or life-threatening illness or disease, and to provide information relating to existing resources for services, as specified, and that the Legislature encourage social policy research institutions and social scientists to evaluate the effectiveness of the local review processes, as specified

Res Ch. 32 (ACR 147) Katz Small business

This measure would request the Governor to proclaim, in conjunction with the national designation thereof, the week of May 6 to May 12, 1984, as California Small Business Week

Res Ch 33 (ACR 101) Felando Senior citizens

This measure would designate May 1984 as Older Americans Month in honor of older Americans

Res Ch 34 (ACR 139) Hughes Michael Jackson

This measure commends Michael Jackson on his outstanding music entertainment career and his deserved international success which have expanded the music and entertainment industries and promoted the State of California in the worldwide community

Res. Ch 35 (ACR 148) Seastrand National Day of Prayer

This measure recognizes Thursday, May 3, 1984, as the "National Day of Prayer "

Res Ch. 36 (AJR 94) Roos 1984 Summer Olympic Games

This measure would welcome all invited participants to the 1984 Summer Olympic Games and memorialize the President and Congress of the United States to reaffirm our nation's commitment to welcome all invited nations to this country so that they may participate in the Games and to extend a welcome to citizens of these nations who wish to attend the Games

Res Ch. 37 (SCR 76) Nielsen Smokey Bear

This measure would convey happy 40th birthday wishes to Smokey Bear, commend his efforts to create public support for the prevention of wildfires in California, and proclaim the week of May 13 through 19, 1984, as Smokey Bear Week

Res Ch 38 (ACR 153) Harris NAACP 75th Anniversary

This measure would commend the NAACP on the occasion of its 75th Anniversary

Res. Ch 39 (AJR 64) Lancaster Highways federal-aid projects environmental review

This measure would memorialize the President and Congress to enact legislation to authorize California to certify to the Federal Highway Administration that a federal-aid highway project conforms to the National Environmental Policy Act of 1969 so as to relieve the federal agency of the need to so certify

Res Ch. 40 (SCR 71) Stiern Joint Legislative Budget Committee

This measure would allocate \$4,830,000, or as much of that amount as may be necessary, from the Contingent Funds of the Assembly and Senate for payment of the expenses incurred by the Joint Legislative Budget Committee. None of the additional funds would be allocated prior to July 1, 1984, or the enactment of the budget bill,

whichever is later

Res. Ch 41 (SJR 53) Petris Olympic Games

This measure would memorialize the International and United States Olympic Committees to give favorable consideration to the proposal of President Caramanlis of Greece that, commencing with the 1992 Games, the Summer Olympics be permanently held in Olympia, Greece

Res Ch 42 (ACR 102) McAlister California Law Revision Commission

Existing law requires the California Law Revision Commission to file a report at each regular session of the Legislature containing a calendar of topics selected by it for study, including a list of studies in progress and a list of topics intended for future consideration, and, after the filing of the commission's first report, its studies are confined to topics set forth in the calendar contained in its last preceding report which are thereafter approved for its study, or referred to it for study, by concurrent resolution of the Legislature.

This measure would give legislative approval to the commission to continue its study of numerous, specified topics which the Legislature has previously authorized or directed the commission to study

This measure would also require the commission to study the topic of whether the law on injunctions and related matters should be revised

Res Ch 43 (ACR 140) Farr California Year of Tourism

This measure would proclaim 1984 as the "California Year of Tourism "

Res. Ch. 44 (SCR 79) Doolittle Juan Corona parole consideration.

This measure would urge the Board of Prison Terms to deny parole consideration to Juan Corona

Res Ch 45 (SCR 32) Ellis Exit sign locations study

This measure would request the State Fire Marshal, upon the availability of a specified appropriation, to conduct a study, costing not more than \$2,500, on the feasibility of adding exit signs or other devices which would locate exits at a lower level

Res Ch 46 (SCR 74) Foran Mass transit service: San Jose-San Francisco corridor

This measure would request the Metropolitan Transportation Commission, in cooperation with the Department of Transportation and transit operators and local governments in the San Jose-San Francisco corridor, to develop a mass transit system plan and an incremental improvement plan, as specified, for that corridor and would request that the plans be submitted to the Legislature no later than March 1, 1985.

Res Ch 47 (ACR 82) Chacon Log home construction

This measure encourages counties and cities to remove any existing impediments to the construction of log homes and to provide information, to the extent possible, about the advantages of log home construction

Res Ch. 48 (SCR 80) Johnson Memorializing the Honorable Stanley Arnold

This measure would memorialize the passing of the Honorable Stanley Arnold, a former Member of the Senate of the State of California

Res Ch 49 (SCR 81) Johnson. Memorializing the Honorable Harold T Sedgwick

This measure would memorialize the passing of the Honorable Harold T Sedgwick, a former Member of the Assembly and Senate of the California Legislature

Res Ch 50 (ACR 109) Moore Highways use and financing

This measure would request the Department of Transportation, under the direction of the Business, Transportation and Housing Agency, to conduct a highway cost allocation study of specified content The measure would request the agency to submit to the Legislature a preliminary report of its findings by January 1, 1985, and a final report of its findings by April 1, 1985

Res Ch 51 (AJR 98) Harris. Computer education

This measure would memorialize the President and Congress of the United States to support the efforts of a named United States Senator to provide the framework for accessible and quality computer education through legislation.

Res Ch 52 (AJR 128) Kelley. Federal surplus property.

This measure would memorialize the United States General Services Administration to redesignate specified surplus property as a public benefit conveyance

Res Ch. 53 (AJR 129) Kelley. Federal surplus property.

This measure would memorialize the United States General Services Administration to redesignate specified surplus property as a public benefit conveyance

Res Ch. 54 (AJR 68) Areias. National cemetery San Luis Dam

This measure would memorialize Congress to enact legislation to establish a national cemetery near San Luis Dam

Res. Ch 55 (SJR 45) Torres Retired military personnel medical facilities

This measure would memorialize the President and Congress to support and enact legislation for expanding medical facilities on defense installations to serve the needs of retired military personnel and their dependents presently receiving private medical care through Medicare and CHAMPUS funds

Res Ch 56 (SCA 58) Boatwright. Property taxation

Existing constitutional law, as revised by the addition of Article XIII A to the California Constitution, limits ad valorem taxes on real property to 1% of the full cash value of that property "Full cash value" is defined to be the county assessor's valuation of real property as shown on the 1975-76 tax bill under "full cash value" or, thereafter, the appraised value of real property when purchased, newly constructed, or a change in ownership has occurred after the 1975 assessment For purposes of this constitutional provision, "newly constructed" is defined as not including real property which is reconstructed after a disaster, as declared by the Governor, where the fair market value, as reconstructed, is comparable to the fair market value prior to the disaster. Existing constitutional law also authorizes the Legislature to provide that the term "newly constructed" shall not include the construction or addition of any active solar energy system

This measure would provide that, for purposes of this constitutional provision, the Legislature may provide that the term "newly constructed" does not include the construction or installation of any fire sprinkler system, other fire extinguishing system, fire detection system, or fire-related egress improvements, as defined by the Legislature, which is constructed or installed after this measure's effective date

Res Ch 57 (SCR 53) Mello. Marine resources.

This measure would request the State Lands Commission to give the maximum feasible consideration of the effect on living marine resources of acoustic pulse generating devices and for the commission and the Department of Fish and Game to continue to develop scientific information on those effects

Res Ch 58 (AJR 135) Floyd Veteran farm and home loans

This measure would memorialize the President and Congress of the United States to preserve the popular Cal-Vet farm and home loan program as it now exists

Res Ch 59 (ACR 111) Hughes Teacher recruitment

This measure would request all campuses in the University of California and the California State University systems, and private postsecondary institutions, to encourage college students to enter teacher education programs and become teacher trainees, as specified.

Res Ch 60 (AJR 104) O'Connell Social security

This measure would memorialize the Congress and the President of the United States to enact legislation to equalize old age benefits under the Social Security program for persons who have similar wage histories, regardless of the date upon which they become age 62

Res Ch. 61 (AJR 108) Davis Persons with disabilities

This measure would call upon the President, Congress, the Department of Education and the Commissioner of Rehabilitation Services to define entry level employment as it pertains to persons with disabilities seeking assistance for education, rehabilitation, and vocational training from state and federal sources, and to promulgate regulations to ensure the uniform application of this definition throughout the United States so it will serve to motivate individuals with disabilities to seek their highest potential

Res Ch 62 (AJR 134) Nolan. POW/MIA Recognition Day

This measure would proclaim July 20, 1984, as a special day of recognition and remembrance for POW/MIAs still missing in Southeast Asia and express support for the federal government's efforts to obtain the return of the remains of dead POW/MIAs and the release of those POW/MIAs who are alive and held by the governments of Laos, Kampuchea, and Vietnam

Res Ch 63 (SJR 39) Garamendi. New Melones Reservoir recreation facilities

This measure would memorialize the President and the Congress to fulfill the obligations of the federal government to construct and operate recreational facilities for the New Melones Reservoir in accordance with the 1976 Master Plan for the New Melones Lake Area and the 1977 Lower Stanislaus River Master Plan.

Res Ch 64 (SCA 29) Watson Supreme Court transfer of causes.

(1) The Constitution presently provides that the Supreme Court may, before a decision becomes final, transfer to itself a cause in a court of appeal

This measure would revise the above provision to authorize such a transfer only before a decision. In addition, the measure would authorize the Supreme Court to review the decision of a court of appeal in any cause. These provisions would not apply to an appeal involving a judgment of death

(2) The Constitution also presently authorizes, before decision, the transfer of a cause by the Supreme Court from itself to a court of appeal or from one court of appeal or division to another

This measure would retain this provision but would specify that it does not apply to an appeal involving a judgment of death

(3) The Constitution presently provides for the adoption of rules of court, not inconsistent with statute, by the Judicial Council

This measure would require the Judicial Council to provide, by rules of court, for the time and procedure for transfer or review of a cause, including, among other things, provisions for the time and procedure for transfer with instructions, for review of all or part of a decision, and for remand as improvidently granted. These rules would not apply to an appeal involving a judgment of death

(4) The changes made by this measure would take effect 6 months after the date on which it is approved by the electorate

Res Ch. 65 (ACA 66) Filante Property tax postponement

The existing Constitution authorizes the Legislature, subject to specified conditions, to provide for the manner in which a person of low or moderate income who is 62 years of age or older may postpone ad valorem property taxes on the dwelling owned and occupied by the person as his or her principal place of residence

This measure would additionally authorize the Legislature, subject to the same conditions, to provide for the manner in which a disabled person may postpone payment of ad valorem property taxes on the dwelling owned and occupied by the person as his or her principal place of residence

Res Ch 66 (ACA 69) Farr Property taxation new construction

Under the California Constitution, real property is generally required to be assessed for taxation purposes at its 1975 value, as increased by an inflationary rate not to exceed 2% a year. Newly constructed property is subject to reassessment

This measure would exclude from the term "newly constructed" property and thereby exclude from reassessment, any addition to, or alteration or rehabilitation of, a certified historic structure which is an historically accurate reconstruction of once extant features or necessary for safety or handicapped access or required by safety codes. That exclusion would apply only to a dwelling occupied by an owner as his or her principal residence

Res Ch 67 (ACR 71) Hughes Nonwhite ethnic groups postsecondary education

This measure would request the Regents of the University of California, the Trustees of the California State University, and the Board of Governors of the California Community Colleges to review their policies and programs concerning the nature and extent of courses examining the cultural and historical experiences of those nonwhite ethnic groups which have been excluded from the core curriculum; to consider adopting necessary policies and programs to ensure that all graduates with associate of arts and baccalaureate degrees possess an understanding and awareness of nonwhite ethnic groups, and to file a report with the California Postsecondary Education Commission by January 1, 1985, on actions taken by these governing bodies in response to this measure. This measure would also request the commission to submit a report in addition to a review and oral comment regarding the report, to the Legislature by April 1, 1985.

Res Ch. 68 (ACR 83) Chacon Postsecondary education low-income and under-represented ethnic minority students

This measure would request the Regents of the University of California, the Trustees of the California State University, the Board of Governors of the California Community Colleges, the Association of Independent Colleges and Universities, the State Board of Education, and the Superintendent of Public Instruction to cooperatively adopt a plan and, based on the plan, make recommendations for specific actions that will strengthen the college preparation of low-income and underrepresented ethnic minority students in junior and senior high school so that eligibility for, and enrollment in, postsecondary education institutions will more adequately reflect the number of these students.

This measure would request that this plan be submitted to the Legislature by July 1, 1985, and would request that the plan and its recommendations perform certain functions in furthering the achievement of the goals of this measure, including an annual progress evaluation.

Res Ch 69 (ACR 94) Bergeson State highways: Route 86

This measure would request the Riverside County Transportation Commission, the Imperial Valley Association of Governments, and the Southern California Association of Governments to work with the Department of Transportation and the California Transportation Commission to evaluate the feasibility of advancing improvements on State Highway Route 86 programmed in the 1983 State Transportation Improvement Program and to report the results of the evaluation to the Legislature by December 3, 1984.

Res Ch 70 (ACR 103) Hughes Public education business community involvement. school-business partnerships

This measure would request the business community and public school administrators and teachers to cooperate in the development and expansion of school-business partnerships and would request the State Department of Education to disseminate copies of this measure to various agencies and organizations interested in fostering cooperation between public schools and the business community.

Res Ch. 71 (ACR 120) Bergeson Merit awards

This measure authorizes merit awards which have been approved by the Department of Personnel Administration to be paid to specified individuals.

Res Ch 72 (AJR 51) O'Connell Hazardous waste off-shore incineration

This measure would memorialize the President of the United States to direct the Environmental Protection Agency to stop considering proposals to incinerate hazardous waste off California's coast until specified scientific studies are conducted.

Res Ch. 73 (SCR 67) Hart Private energy producers

This measure would request the Public Utilities Commission to establish standard price offers, which would include specified criteria, for public utility contracts for electric energy from alternative sources with private energy producers and corporations or persons employing cogeneration technology in the generation of electricity.

Res. Ch. 74 (SCR 68) L. Greene. The Paul R. Bonderson Building

This measure would designate the state building located at 901 P Street, Sacramento, headquarters of the Water Resources Control Board, as the Paul R. Bonderson Building, as a memorial to the outstanding efforts of the late Paul R. Bonderson on behalf of the California Water Quality Control Program and the State of California

Res. Ch. 75 (SCR 69) Foran. Vehicle repairs: unibody-type vehicles

This measure would request the Bureau of Automotive Repair to conduct a prescribed study of repairing unibody-constructed vehicles and to submit a report of the study to the Legislature by September 1, 1984.

Res. Ch. 76 (SCR 83) Presley. Missing children: pilot programs

This measure would direct the Superintendent of Public Instruction to implement a pilot program during the 1984-85 school year in all school districts, which is designed to reduce the number of abducted and runaway children and aid in the identification and recovery of children now missing, as specified

This measure would also request the superintendent to collect information from each school district regarding the pilot program at the close of the 1984-85 school year, and to submit a report of those findings to the Legislature, the Senate Select Committee on Children and Youth, and the Assembly Select Committee on Child Abuse by June 30, 1986

Res. Ch. 77 (SJR 52) Ellis. Tuna

This measure would memorialize the President, Congress, and the United States International Trade Commission to provide immediate relief to the tuna industry of California and this nation from imported canned tuna in water

Res. Ch. 78 (SJR 55) Campbell. Los Angeles Memorial Coliseum: designation as a National Historic Landmark

This measure would endorse the nomination of the Los Angeles Memorial Coliseum as a National Historic Landmark and would memorialize the Secretary of the Interior to expeditiously make that designation in order that the dedication ceremonies may be held on the opening day of the XXIIIrd Olympiad in Los Angeles, July 28, 1984

Res. Ch. 79 (ACR 52) La Follette. Transportation: state transportation improvement program

This measure would request the Department of Transportation to review and submit to the Legislature by February 1, 1985, and quarterly thereafter, reports on the status of specified projects in the State Transportation Improvement Program, to include the cost of the reports in the proposed 1985-86 Governor's Budget, and to continue making the reports in the 1985-86 fiscal year and subsequent fiscal years upon availability of funds.

Res. Ch. 80 (ACR 77) Goggins. Governor's residence and executive office

This measure would create the Joint Committee on a Governor's Residence and Executive Office to assess and determine the requirements applicable to the design and construction of a building or buildings that may be used, in the conduct of the state's business, as a residence and as an executive office by the Governor of California to be located at a site to be determined by the committee. It would require the joint committee, by means of a competitive process, to select the most appropriate architectural design for this purpose within 12 months of the start of the competition

This measure would specify the membership and the powers of the joint committee, and would require the joint committee to report to the Legislature within one year after the effective date of this measure on its activities and its recommendation for the architectural design which it deems most appropriate to satisfy the requirements for a Governor's residence and executive office

This measure would provide that the joint committee shall remain in existence only until January 1, 1986.

Res. Ch 81 (ACR 105) Hauser. Year of Prevention and Elimination of Child Abuse, Neglect, and Sexual Assault.

This measure would declare the year of 1984 as the Year of Prevention and Elimination of Child Abuse, Neglect, and Sexual Assault.

Res. Ch. 82 (ACR 110) Lancaster State highways planning.

This measure would request the Department of Transportation to prepare and submit a status report to the Legislature by August 31, 1984, on its highway system planning process and to submit a final report by October 15, 1984. The measure would request the department to prepare and submit a report on public road resource requirements to the Legislature by August 31, 1984.

Res. Ch. 83 (ACR 121) Clute Physical education

This measure would recognize the importance of physical activity for pupils in the public schools, and would request the State Department of Education and school districts to recognize the legislative intent that all pupils should participate in vigorous physical activity. This measure would request that school districts should offer physical education programs which provide access to all pupils in kindergarten and grades 1 to 12 in activities designed to promote physical fitness, to games and competitive sports, and to activities which build lifelong fitness, equal opportunities for the participation of both sexes, as well as the disabled; adequate staff and class sizes, and professional growth opportunities for professional staff.

Res. Ch 84 (ACR 130) Floyd. Incarcerated veterans.

This measure would direct the Judicial Council to request the Center for Judicial Education and Research to expand its judicial education program to include material relative to post traumatic stress disorders among Vietnam veterans, as specified, and would request the Judicial Council to report thereon by January 1, 1986.

Res. Ch. 85 (ACR 131) Mojonner University of California fisheries, aquaculture, and related sciences programs

This measure would request the Regents of the University of California to assure the development of a program in fisheries, aquaculture, and related sciences.

Res. Ch 86 (ACR 151) Bates. Women's Voter Registration Week

This measure would proclaim the week of September 23 through September 29, 1984, as "Women's Voter Registration Week."

Res. Ch 87 (AJR 60) Moore Cable television. state and local regulation

This measure would declare the Legislature's support of the compromise agreement of the National Cable Television Association and the National League of Cities relating to national television policy, and federal legislation that embodies the principles enunciated therein.

The measure would urge Congress to enact federal cable television legislation this session.

It would also call upon the Federal Communications Commission to forego regulations that would unfairly and improperly preempt state and local governmental involvement in the development of cable television in California.

Res. Ch. 88 (SCR 62) Robbins Enterprise zones

This measure would urge the City of Los Angeles and the County of Los Angeles to proceed on an application for an enterprise zone in the community of Pacoima in the City of Los Angeles, and to proceed on joint applications for enterprise zones in the communities of East Los Angeles and Watts, now that AB 40 and AB 514 both have been enacted.

The measure would also urge, now that AB 40 (Ch. 45, Stats 1984) and AB 514 (Ch. 44, Stats 1984), both have been enacted, that the Department of Economic and Business Development give prompt and adequate attention to these proposed enterprise zones as part of the initial group of applications to be processed.

Res. Ch 89 (ACR 133) Allen Telephone company yellow pages

This measure would request the State Department of Social Services and the State Department of Health Services, with the advice and assistance of the Department of Consumer Affairs and the State Long-Term Care Ombudsman, to develop recommendations for appropriate telephone directory listings of licensed community residential care facilities in the yellow pages organized according to the major client groups which the facilities serve

Res. Ch. 90 (SJR 50) Doolittle. Federal forestlands

This measure would memorialize the President and the Secretary of Agriculture not to proceed with legislation proposed by the United States Department of Agriculture which would provide for the local taxation of federally-owned forestland

Res. Ch 91 (SCR 47) Nielsen Herbert S Miles Safety Roadside Rest Area

This measure would designate the northbound and southbound safety roadside rest areas on Interstate Route 5, 5 miles north of the City of Red Bluff, as the Herbert S Miles Safety Roadside Rest Area. The measure would direct the Department of Transportation to determine the cost of and to erect appropriate plaques and markers showing that designation, upon receiving donations from private sources covering the costs of erecting the plaques and markers

Res. Ch. 92 (ACR 98) Johnston Rural health

This measure would proclaim the month of May in 1984 and annually thereafter as "Rural Health Care Recognition Month" and make various recommendations with respect to rural health

Res. Ch. 93 (ACR 138) Isenberg Boating safety Sacramento-San Joaquin Delta

This measure would request the Department of Boating and Waterways to conduct a comprehensive study of boating safety in the Sacramento-San Joaquin Delta, including appropriate recommendations to the Legislature for measures to increase boating safety in the delta, and to submit the study and recommendations to the Legislature not later than December 1, 1986

Res. Ch 94 (ACR 143) Hughes Professional sports

This measure would salute the enthusiastic and devoted support of California sports consumers and would declare that the consumer or fan is a vital link in the professional sports system and would declare 1984 as the year of the fan

Res. Ch 95 (ACR 144) Papan Employment of handicapped students' project workability

This measure would request that the State Department of Education, the Department of Rehabilitation, and the Department of Employment Development continue to support Project Workability, relating to employment of handicapped students, through interagency agreements, and that the Legislature endeavor to identify resources that may be directed to fund this project.

Res. Ch. 96 (AJR 127) M Waters Sexual assaults' military personnel.

This measure memorializes the President and Congress of the United States to enact legislation compensating a specified person for damages for sexual assault occurring while she was a member of the Armed Forces of the United States, and to direct the Department of Defense to take specified action with regard to its claims procedure, to provide for counseling and other services to military personnel who are the victims of sexual assault, and to provide rape education prevention programs on military bases and to provide training materials which include rape education information

Res. Ch. 97 (SCR 87) Mello 200th Anniversary of the Death of Father Junipero Serra Special Day of Recognition.

This measure would proclaim August 28, 1984, as a Special Day of Recognition in Honor of the 200th Anniversary of the Death of Father Junipero Serra

Res. Ch. 98 (SCR 64) Lockyer. Consumer affairs.

This measure would direct each board and bureau within the Department of Consumer Affairs to submit a report to the Legislature on or before November 30, 1985, containing specified information.

Res Ch. 99 (SCR 75) Presley Suicide studies

This measure would request the Youth and Adult Correctional Agency to assess current programs relating to suicide and suicide attempts in correctional facilities and institutions. This measure would also request the agency to report its findings to the Legislature by January 1, 1985

Res Ch. 100 (SCR 19) Alquist Homeowners' exemption

This measure would direct the Legislative Analyst to analyze and report to the Legislature by May 1, 1985, upon the feasibility of transferring the administration of the homeowners' property tax exemption to the Franchise Tax Board and upon related matters

Res Ch 101 (SCR 54) Mello Joint Committee on the Arts

This measure would create the Joint Committee on the Arts and prescribe its membership, powers, and duties

Res. Ch 102 (SCR 82) Rosenthal Poison information centers

This measure would direct the Emergency Medical Services Authority to conduct a study of the need and, if appropriate, to propose a plan to the Legislature to assist local governments in providing poison information services. It also expresses the Legislature's intention to consider the appropriateness of committing state funds for the support of local poison information centers, if the authority considers the need to be significant

Res. Ch 103 (SCR 85) Presley Organ transplants

This measure would encourage and support the emergency response system, known as "NEXT-OF-KIN", which is created for the purpose of registering persons to donate organs or tissues and providing other services to various agencies and individuals

Res Ch 104 (SJR 36) Johnson. Pony Express Trail

This measure would memorialize the President and Congress to enact legislation authorizing for study the Pony Express Trail as a national historic trail

Res. Ch 105 (SJR 37) Maddy 1984 Summer Olympic Games

This measure would salute the athletes, the organizing committee, the spectators, and the people of California for the parts all of them played in the success of the 1984 Summer Olympic Games. The measure would also memorialize the President and Congress of the United States to reaffirm our nation's appreciation of the Games by appropriately recognizing the U.S. Olympic team and the Los Angeles Olympic Organizing Committee

Res Ch 106 (ACA 21) McAlister Public moneys.

The California Constitution currently provides that the Legislature may provide for the deposit of public moneys in any bank or savings and loan association in this state.

This measure would provide that the Legislature may also provide for the deposit of public moneys in any credit union in this state

Res Ch. 107 (ACR 74) Alatorre Earthquake safety: state-owned and leased buildings

This measure would urge the Department of General Services, the University of California, and the California State University to require an engineering inspection for seismic safety, as specified, as a condition of lease for all future facilities leased by those agencies, that all future building plans be reviewed and inspected by the Office of the State Architect, or by an independent outside structural consultant competent in seismic engineering, for seismic safety adequacy, that an evaluation of the geologic hazards be made of new and existing sites, and that those agencies begin an inspection program of existing state-owned buildings to identify and correct exterior and interior falling hazards. The measure would also urge the Governor to budget and authorize funding for the engineering evaluation of, and the rehabilitation of, specified state-owned buildings and would specify that it does not constitute a request for the expenditure of any

additional funds, but rather requests the Department of General Services, the University of California, and the California State University to perform the functions of the resolution to the extent possible using existing resources within their existing appropriations

Res Ch. 108 (ACR 150) N. Waters. Fire protection

This measure would express the intent of the Legislature that no impediment be placed in the way of the state and local governments which would limit providing fire protection services to local governments which request and pay for those services

Res Ch 109 (ACR 154) Hayden. Hazardous materials in the environment

This measure would request the University of California to develop a plan to further research on the health effects of hazardous substances and toxic materials in the environment.

Res Ch. 110 (AJR 63) Elder. Ocean fishing.

This measure would memorialize the President and Congress to enact legislation to establish a South Pacific Fishery Management Council with a specified membership

Res Ch. 111 (AJR 67) Elder. Coast Guard's Vessel Traffic Service San Francisco Bay

This measure would memorialize the United States Department of Transportation to maintain funding for the Coast Guard to operate the Vessel Traffic Service in San Francisco Bay.

Res Ch. 112 (AJR 95) Farr Coastal management federal consistency review

This measure would memorialize the Congress and the President to amend specified provisions of the Coastal Zone Management Act of 1972 to make clear that all federal activities, with specified exceptions, specifically including the sale of leases for mineral extraction such as oil or gas resources are subject to the federal consistency review provisions of that federal act whenever the activities significantly affect the natural resources of, or land or water uses in, the coastal zone, and that all federal license and permit activities are subject to federal consistency review whenever they significantly affect coastal resources within the coastal zone

Res. Ch 113 (AJR 103) Agnos. Older Americans Act

This measure would memorialize the President and Congress of the United States to resist any attempts to institute a means test or mandatory contribution for services provided under certain programs of the Older Americans Act and that the Commissioner on Aging be directed to deemphasize the Project Income Initiative, as specified

Res Ch 114 (AJR 118) Rogers. National Science Foundation

This measure would memorialize the President and Congress to modify the National Science Foundation Act of 1950 to increase the foundation's commitment to engineering, as specified.

Res. Ch. 115 (ACR 163) Peace. Year of the Ocean

This measure would designate July 1, 1984 to June 30, 1985, as the Year of the Ocean and call upon the people of the state to observe this year with appropriate ceremonies and activities

Res Ch. 116 (ACR 166) Clute Stringfellow Acid Pits drinking water.

This measure would request the State Department of Health Services to increase the availability and distribution of bottled water to households in an area which use drinking water which may be affected by the Stringfellow Acid Pits, as identified by the department, and to continue this distribution until specified test results are obtained

Res Ch. 117 (AJR 124) Margolin Cigarette smoking

This measure would memorialize the President and Congress to strengthen the warnings on cigarette labels and permit the states to improve the warnings on cigarette labels

Res Ch. 118 (AJR 149) Rogers. The memorialization of United States forces killed in hostile action in Lebanon

This measure would request the President and the Congress of the United States to memorialize the American forces killed in hostile action in Lebanon by including their names on the Marine Monument which depicts the raising of the nation's flag on Mount Surabachi during World War II

Res Ch 119 (SCR 60) Roberti Offshore air emissions onshore air pollution

This measure would direct the Governor, the Secretary of Environmental Affairs, the State Air Resources Board, and the Attorney General of California to take specified actions with respect to offshore energy exploration and development operations to protect onshore air quality

Res Ch 120 (SCR 84) Johnson Traffic infractions. notices to correct violations

This measure would request formation of a committee with specified membership to study whether citations with a dismissible infraction format are being used uniformly and equitably throughout the state, and would request a report to the Legislature if the committee determines that there are inequities

Res Ch 121 (SJR 43) Mello Medicare

This measure would memorialize the President and the Congress of the United States to amend the federal Social Security Act to allow reimbursement under Medicare for care provided persons with chronic brain disorders

Res Ch 122 (SJR 58) Rosenthal Genocide convention ratification

This measure would memorialize the President and Congress to support and ratify the Genocide Convention.

Res Ch 123 (ACR 99) Papan Joint Rules. printing of amendments.

This measure adopts Joint Rules relating to the reprinting of amended bills for the 1983-84 Regular Session

Res Ch 124 (ACR 119) Frizzelle Health care costs task force

This measure would request the Governor to convene a task force to study the most cost-effective means to limit the annual increase in health care costs and to report its findings to the Legislature

Res. Ch 125 (ACR 126) Sher Tulare Lake floodwaters

This measure would request the Department of Water Resources, in cooperation with affected water agencies, to evaluate the use by the state water project of the excess floodwaters of Tulare Lake

Res Ch 126 (ACR 134) Hauser State Highways William D Abarr Memorial Bridge

This measure would designate Cedar Flat Bridge on State Highway Route 299 in Trinity County as the William D Abarr Memorial Bridge

The measure would direct the Department of Transportation to determine the cost of appropriate plaques and markers showing this official designation and, upon receiving donations from private sources covering that cost, to erect those plaques and markers

Res Ch 127 (ACR 137) Hauser. Hod Benedict Bridge

This measure would designate the Eagle Point Viaduct, Bridge No 4-72 on State Highway Route 101 in Humboldt County, as the Hod Benedict Bridge

The measure would direct the Department of Transportation to determine the cost of appropriate plaques and markers showing this official designation and, upon receiving donations from private sources covering that cost, to erect those plaques and markers

Res Ch 128 (ACR 149) Hauser. Willard F Libby Memorial Highway

This measure would designate State Highway Route 116 from Sebastopol to Forestville as the Willard F Libby Memorial Highway The measure would also direct the Department of Transportation to determine the cost of erecting appropriate plaques and markers and, upon receiving donations from private sources covering that cost, to erect appropriate plaques and markers

Res Ch. 129 (ACR 165) Floyd. Veterans

This measure would request the Governor to direct the Department of Veterans Affairs, in cooperation with the State Treasurer, to provide for a five-year plan for Cal Vet bond issues to be submitted to the voters commencing with the June 1986 election. The measure would also request that the plan take into account certain factors, and be submitted to the appropriate policy committees of the Legislature on or before June 30, 1985, with annual updates by June 30 of each year.

Res Ch. 130 (ACR 170) Farr Biotechnology.

This measure requests the Assembly Office of Research to conduct a study, to be completed by April 15, 1985, reviewing all existing, pending, and elapsed federal and state regulations affecting the California biotechnology industry so that the Legislature can make informed decisions on how to promote the biotechnology industry while protecting public health and safety and the environment.

Res Ch. 131 (ACR 171) Condit State Highway. Route 99- John G Veneman Freeway.

This measure would designate State Highway Route 99 from Modesto to Turlock as the John G Veneman Freeway. The measure would also direct the Department of Transportation to determine the cost of erecting appropriate plaques and markers and to erect the plaques and markers upon receiving donations from private sources covering that cost.

Res Ch. 132 (AJR 99) Chacon Mortgages

This measure would memorialize the Congress and the President of the United States to increase the dollar limit on mortgages eligible for purchase by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

Res. Ch. 133 (AJR 102) Peace New River pollution

This measure would memorialize the President and the Congress to appropriately recognize and declare that a clear and present threat to public health and safety exists in the Imperial Valley as a direct consequence of continuing toxic contamination and organic pollution of the New River, originating within Baja California, Mexico. The measure would request the President to immediately direct the Secretary of State and the Administrator of the Environmental Protection Agency, in cooperation with the state and specified state and local entities, to expedite the development of alternative proposals and a recommended plan for halting the flow of contaminants and pollutants in the New River, and would request the Congress to appropriate, and the President to allocate and direct, sufficient federal resources for the implementation and completion of an effective water quality control system within the New River watershed. The measure would also request the State Department of Health Services to include the New River on the priority ranking of sites, pursuant to the Carpenter-Presley-Tanner Hazardous Substance Account Act, so that federal funds can be used to finance these requested actions.

Res. Ch 134 (AJR 106) Hauser Land use Gorda Ridge Lease Sale.

This measure would memorialize the President and the Secretary of the Interior to delay the Gorda Ridge Lease Sale for a period of at least 5 years to permit the gathering and analysis of scientific data necessary as a basis for reasoned leasing decisions.

Res. Ch 135 (AJR 115) Margohn. Supplemental Security Income benefits.

This measure would memorialize the President and Congress of the United States to support and enact HR 6291 which exempts from inclusion as income, in determining eligibility for Supplemental Security Income benefits, any reparation benefits received from the Federal Republic of Germany by survivors of the Holocaust.

Res Ch 136 (AJR 119) Elder Federal and state income taxes.

This measure would memorialize the President and Congress to direct the Internal Revenue Service to make copies of state income tax forms and instructions publications available to California taxpayers at its offices located within California.

This measure would also urge the Franchise Tax Board to make copies of federal income tax forms and instructions publications available to California taxpayers at its offices throughout the state.

Res Ch 137 (AJR 121) Killea. Federal income taxation laboratory equipment

This measure would memorialize the President and the Congress of the United States to enact legislation amending the Internal Revenue Code to provide a tax deduction to persons who donate testing equipment and services to maintain and provide upkeep for engineering and scientific laboratory equipment in postsecondary educational institutions

Res Ch. 138 (AJR 125) Elder United States Maritime Fleet

This measure would respectfully request the President and the Congress to provide for the planning and resources necessary to establish an effective maritime fleet capable of meeting any contingency and to propose, by the year 1990, that at least 20% of all United States cargo overseas trade be carried in United States flag vessels made in United States shipyards and, by January 1, 1985, that all cargo for United States military personnel be transported in United States flag vessels

Res Ch 139 (AJR 146) Killea Regional export offices

This measure would memorialize the President and Congress in conjunction with the U.S. Department of Commerce and the Department of the Treasury immediately to initiate measures to locate additional regional export offices, including one in California.

Res Ch. 140 (SCR 88) Dills Joint Committee on the State's Economy

This measure would continue in existence the Joint Committee on the State's Economy and the advisory committees to it. The measure would also extend the committee's powers, duties, and authority to expend funds, as specified

Res Ch. 141 (SCR 92) Carpenter Mayor Tom Bradley

This measure would commend the Honorable Tom Bradley, Mayor of Los Angeles, for his successful efforts to bring the Games of the XXIIIrd Olympiad to Los Angeles

Res Ch. 142 (ACA 55) Cortese Property tax limitation

Existing constitutional law limits ad valorem property taxes to 1% of the full cash value of the property, except for property taxes to pay the interest and redemption charges on indebtedness approved by the voters prior to July 1, 1978

This measure would also provide an exception from the property tax limitation for interest and redemption charges on bonded indebtedness for the acquisition and improvement of real property approved on or after July 1, 1978, by $\frac{2}{3}$ of the voters voting on the proposition

Res Ch 143 (ACR 112) Wyman State highways Routes 40 and 395 Blue Star Memorial Highways

This measure would designate State Highway Routes 40 and 395 as Blue Star Memorial Highways. The measure would request the Department of Transportation to accept the markers placed by the Desert Empire District of Upper Mojave Desert at the Fenner and Desert Oasis Rest Stops on Route 40 as official markers and the marker placed by the Oasis Garden Club at the Coso Rest Stop on Route 395 as an official marker

Res Ch 144 (ACR 118) Davis Acquired Immune Deficiency Syndrome

This measure would request the AIDS Advisory Committee to meet at least quarterly during the remainder of 1984 and throughout 1985, submit a preliminary report of its findings, conclusions, and recommendations to the Director of the Department of Health Services not later than December 31, 1984, submit a final report of the findings, conclusions, and recommendations to the Director of the Department of Health Services not later than June 1, 1985, and submit with its reports the legislative proposals it deems necessary to implement its recommendations. This measure would also request the Director of the Department of Health Services to transmit the reports to the Governor and the Legislature.

Res Ch 145 (ACR 146) Harris Civil litigation discovery

This measure would express the support of the Legislature for the establishment of a designated commission to recommend changes in the discovery process utilized in civil litigation and would authorize the Speaker of the Assembly and the Senate Committee on Rules to each appoint one person to serve as members thereof, as specified

Res. Ch 146 (ACR 160) La Follette Transportation San Fernando Valley

This measure would request the Southern California Association of Governments to prepare a study of long-range alternative measures to reduce traffic congestion and provide for a well-coordinated transportation system in the San Fernando Valley. The measure would request that the study be reported to the Legislature by July 1, 1986. The measure would request the Los Angeles County Transportation Commission to establish an advisory committee with a specified membership to assist in preparation of the study. The measure would request that the commission use the study results in transportation planning.

Res. Ch 147 (ACR 169) Felando Parent information pamphlet prevention of child molestation Department of Social Services

This measure would request the Department of Social Services to develop and distribute a parent information pamphlet to inform parents about how to prevent child molestation, about the signs of child molestation, and about how they can communicate with and examine their children to determine whether molestation has taken place. The measure would also request that these parent information pamphlets be printed at state expense and distributed, without charge, to the parents and guardians of each child enrolled in a licensed child care facility in the state.

The measure would also request that a form, containing a statement indicating that the parent or guardian of the child has read and understood the pamphlet, be included in the pamphlet. The measure would further request that this form be signed by the parent or guardian, and that copies of the form be filed, as specified. The measure would also request that these activities become an ongoing program.

Res. Ch 148 (ACR 173) W Brown Interim studies subject matter of AB 3147

This measure would assign to interim studies by, respectively, the Assembly Committee on Elections, Reapportionment, and Constitutional Amendments and the Senate Committee on Governmental Organization, the subject matter of AB 3147 of the 1983-84 Regular Session.

Res. Ch 149 (AJR 73) Vasconcellos Establishment of a National Academy of Peace and Conflict Resolution.

This measure would memorialize the President and the Congress of the United States to support and implement a National Academy of Peace and Conflict Resolution.

Res. Ch. 150 (AJR 92) Hauser. Foreign joint venture fisheries ocean fishing

This measure would declare the policy of the state to support the full phase-in of domestic fisheries by 1990, to exclude foreign fishing vessels from waters within 12 miles of the California coast, and to prevent extension of joint venture fisheries south of Point Arena and directed fisheries off the California coast. The measure would also memorialize the Secretary of Commerce and the Pacific Fishery Management Council to implement these policies and to examine exclusion of foreign fish processing vessels, as specified.

The measure would also request the Department of Fish and Game to submit a specified annual report to the Legislature.

Res. Ch 151 (AJR 100) Floyd Veterans' benefits: Lebanon and Grenada theaters of operation.

This measure would memorialize the President and Congress to reinstate the Veterans' Readjustment Benefits Act of 1966 for, amend the Omnibus Tax Reform Act to permit veterans' home loan benefits for, and make available counseling services to, veterans of the Lebanon and Grenada theaters of operation.

Res. Ch 152 (AJR 101) Naylor Federal income taxation computer software

This measure would memorialize the Internal Revenue Service to rescind specific proposed federal income tax regulations affecting the tax treatment of computer software development costs or, in the alternative, would memorialize the Congress and the President of the United States to enact legislation permitting the deductibility of these costs in a specified manner.

Res. Ch. 153 (AJR 113) N Waters Social Security

This measure would memorialize the President and the leadership of the Congress of the United States to assure the senior citizens of this state and this country that no efforts will be made to enact major changes in the benefit or financing structure of the Social Security System in this session of Congress.

Res. Ch. 154 (AJR 114) N. Waters. California's air transportation system

This measure would memorialize the President, Congress, and Secretary of Transportation to take appropriate action to increase the amount of California aviation tax dollars returned to the state for the preservation and enhancement of California's air transportation system

Res Ch 155 (AJR 117) Floyd Filipino veterans of the United States armed forces

This measure would memorialize the President and Congress to direct the United States Immigration and Naturalization Service to discontinue its deportation actions against approximately 1,600 Filipino veterans of the United States armed forces who served during World War II and to grant United States citizenship to these persons

Res Ch 156 (AJR 130) N Waters. Pesticides. health related data.

This measure would memorialize the Administrator of the Environmental Protection Agency to expedite the call-in and evaluation of data to support the registration of pesticides with an emphasis on health related data, as specified and to provide this data to the Director of Food and Agriculture upon request

Res Ch 157 (AJR 132) N Waters Federal farm bill of 1985

This measure would memorialize the Congress of the United States to recognize this state's needs in the 1985 federal farm bill

Res Ch 158 (AJR 136) Costa Refugees

This measure would memorialize the President and Congress of the United States, and the Secretary of the United States Department of Health and Human Services to take whatever action is necessary in order to withdraw the proposal to utilize targeted assistance funds for refugees for the 1984 fiscal year to supplement other refugee programs

Res Ch 159 (AJR 137) Floyd Veterans' educational benefits certification

This measure would memorialize the President and Congress to direct the Veterans' Administration to reverse its announced policy of requiring term-by-term recertification of veteran students and to reinstitute its current education enrollment certification procedure by which eligible veteran students are certified for complete school years

Res Ch 160 (AJR 139) Killea Supercomputer centers

This measure would memorialize the President and Congress of the United States to enact legislation providing adequate funding for the establishment of supercomputer centers

The measure would also memorialize the National Science Foundation to provide adequate funding for the establishment of a supercomputer center at the University of California

Res. Ch. 161 (AJR 142) Hauser Fish and wildlife management

This measure would memorialize the Congress to pass, and the President of the United States to sign, H.R. 1438, which calls on the Secretary of the Interior to formulate and implement a fish and wildlife management program of specified content for the Trinity River Basin

Res. Ch. 162 (SCA 23) Ayala Financing local government

Presently, the state is not required by the Constitution to allocate a portion of the proceeds of the revenues from taxes imposed pursuant to the Vehicle License Fee Law to local governments. Specified portions of the proceeds of that tax are statutorily required to be allocated to local governments

This measure would require the state to allocate revenues from taxes imposed pursuant to the Vehicle License Fee Law, or its successor, other than fees on trailer coaches and mobilehomes, over and above the costs of collection and any refunds authorized by law, to counties and cities according to statute. This requirement would take effect for taxes imposed beginning July 1 following the approval of this provision by the voters.

Res Ch. 163 (SCR 66) Rosenthal Telephone rates Public Utilities Commission

This measure would request the Public Utilities Commission to conduct a study and make recommendations to the Legislature on or before July 31, 1985, on the impact on residential customers of mandatory measured or usage-sensitive billing methods for local telephone service and the impact of various billing methods on rural customers, small businesses, the elderly, and nonprofit organizations

Res Ch 164 (SCR 89) Petrus Chief Justice Roger J Traynor

This measure would memorialize the achievements of the late Roger J Traynor, former Chief Justice of California

Res Ch 165 (SCR 27) Robbins Vehicles state drinking and driving laws evaluation

This measure would request the Intergovernmental Advisory Council on Alcohol, Drugs and Traffic Safety to submit a report and recommendations on the state's drunk driving laws to the Legislature on or before July 1, 1987.

Res Ch 166 (SJR 49) Carpenter Relative to refugees

This measure would memorialize the Senate and President of the United States to join with the House of Representatives in order to enact the Refugee Assistance Extension Act of 1983

This measure would also memorialize the Congress and President of the United States to enact a pilot program, in which a state may participate which would provide federally funded cash assistance and medical benefits to those who would otherwise be eligible for the state's Aid to Families with Dependent Children or Medicaid programs or for local general assistance programs

The measure would also specify that this pilot program should apply the same eligibility criteria used in the state's Aid to Families with Dependent Children program, and that training in English language skills and a familiarization in American life and the western work habit should be provided to refugees when necessary to make a refugee competitive in the job market as a part of this program

Res Ch 167 (SCR 55) Deddeh Judges' Retirement System

This measure would provide for the establishment of a study team, as specified, under the direction of the Public Employees' Retirement System, to determine an appropriate plan for the funding of the Judges' Retirement System after considering a number of factors which bear upon the financial soundness of the system. The team would prepare a preliminary report for the purpose of public hearings to be conducted no later than November 1, 1984, and then prepare and submit to appropriate committees of the Legislature, no later than January 1, 1985, the team's final report

Res. Ch 168 (SCR 91) Torres Cathedral High School

This measure would make a legislative finding that because of the value of the Cathedral High School facility to the community, every effort should be made to accommodate the people of Los Angeles. It would further declare legislative intent that any action taken regarding use of the school site and facilities of Cathedral High School be for the continued benefit of the people of Los Angeles

Res Ch 169 (SJR 40) Mello Silver-haired congress establishment and support

This measure would memorialize the President and the Congress to support and enact legislation which would authorize a national silver-haired congress and offer the use of the national legislative chambers for their convention and deliberations

Res. Ch. 170 (SJR 47) Seymour Santa Ana River flood control

This measure would memorialize the President and the Congress to authorize funding for flood control improvements in the Santa Ana River basin

Res Ch 171 (SJR 51) Roberti Mexican fruit flies federal and state facility

The measure would state that this state's contribution to a proposed joint federal and state sterile Mexican fruit fly rearing center would be its share of the costs to maintain

the facility with the understanding that California would receive top priority on sterile fly production during any eradication effort within California.

Res Ch 172 (SJR 54) Rosenthal Dr. Yosef Begun.

This measure would memorialize the President and Congress of the United States to take action to secure the release of Dr Yosef Begun from exile in Siberia, and to persuade the government of the Soviet Union to permit Dr. Begun to emigrate to Israel

Res Ch 173 (ACR 152) Vasconcellos Community Board School Initiative Program

This measure would commend the Community Board School Initiative Program and would request the State Board of Education to explore the incorporation of conflict resolution learning programs as part of the basic school curriculum in kindergarten and grades 1 to 12, inclusive

Res Ch 174 (ACR 161) Farr. Albacore fishery

This measure would memorialize the President and Congress of the United States, the Secretary of Defense, the Secretary of the Navy, and the Secretary of Commerce to make the harbor facilities, or a part thereof, of Midway Island available for use by American fishing vessels to the extent necessary to support American fishing activities in the adjacent areas of the Pacific Ocean The measure would direct the Department of Fish and Game to contact specified federal, interstate, and state agencies for specified related purposes and to report to the Legislature by January 1, 1985, and periodically thereafter, as specified

Res Ch 175 (ACR 162) Hughes Master Plan for Higher Education

Existing law requires that the Master Plan for Higher Education be reviewed by the Legislature at 10-year intervals

This measure would require the Legislature to appoint a Joint Committee for Review of the Master Plan for Higher Education with specified membership and duties The committee would be required to report its recommendations to the Legislature by March 1, 1987.

This measure would not become operative unless both SB 1570 and SB 2064 are also chaptered

Res. Ch 176 (ACR 164) Farr Historical grant program

This measure would request the Department of Parks and Recreation to consolidate information developed by the Heritage Task Force with respect to establishing an historical grant program, to conduct a public hearing on proposed criteria for the grant awards, and to report its findings and recommendations to the Legislature on or before November 30, 1984

Res Ch 177 (ACR 172) Harris California Public Procurement Advisory Committee

This measure would require the California Public Procurement Advisory Committee to annually submit its recommendations concerning state public procurement of goods and services to the Governor and the Legislature by January 1 of each year beginning January 1, 1985, through January 1, 1990

Res Ch 178 (AJR 74) Vasconcellos United States-Soviet Union Mutual Nuclear Risk Reduction and Joint Crisis Management Centers

This measure would memorialize the President of the United States and the United States Congress to establish United States-Soviet Union Mutual Nuclear Risk Reduction Centers and, subsequently, a Joint Crisis Management Center

Res Ch 179 (AJR 105) N Waters Biological pest prevention programs

This measure would memorialize the Congress of the United States to provide sufficient funding for biologically sound pest prevention programs in order to ensure that the states do not suffer from outbreaks of agricultural pests caused by the decreasing number of available methods of pest control

Res. Ch 180 (AJR 138) Clute Federal income tax military personnel

This measure would memorialize the President and the Congress of the United States to support and enact legislation recognizing the dedication to duty of Strategic Air Command aircraft and missile crews, Tactical Air Command aircrews, Coast Guard and Navy crews involved in "Alert Duty" assignments and to amend appropriately the definition of "tax home" under a specified provision of the Internal Revenue Code

Res. Ch 181 (AJR 140) N. Waters National Weather Service

This measure would memorialize the President and Congress to reconsider elimination or reduction in any part of the National Weather Service

Res Ch. 182 (AJR 144) Konnyu Raoul Wallenberg

This measure would name October 5 of each year as "Raoul Wallenberg Day" in California and would memorialize the President and Vice President of the United States, the Secretary of State, and the Congress to take whatever actions are necessary to ascertain from the Soviet Union an accounting to the world of the fate of this great humanitarian

Res Ch. 183 (AJR 150) Bradley Trade statistics imports and exports

This measure would respectfully urge the United States Bureau of the Census to conduct a pilot project to improve the reporting of United States trade statistics, using a 3-digit zip code reporting system and using the appropriate cities in California as the subjects of this study It would also respectfully urge the United States Congress to appropriate any necessary funds required by the Bureau of the Census to successfully complete this pilot project

Res Ch 184 (SCR 93) B Greene California Museum of Science and Industry

This measure would request that the Los Angeles Olympic Organizing Committee meet with the directors of the California Museum of Science and Industry to determine which of the improvements that were made to the museum for the 1984 Olympic Games could be left and to donate those improvements, as specified

Res Ch 185 (SCR 94) Roberti Peter V Ueberroth.

This measure would commend Peter V Ueberroth and others for their role in the organization and staging of the 1984 Summer Olympics

Res Ch. 186 (SCR 95) Campbell Harry L Usher

This measure would commend Harry L. Usher for his work as Executive Vice President and General Manager of the Los Angeles Olympic Organizing Committee

Res Ch 187 (SJR 32) Keene Whaling moratorium compliance

This measure would memorialize the Secretary of State and the Secretary of Commerce to use appropriate diplomatic and legal means to achieve worldwide compliance with the International Whaling Commission moratorium decision

Res Ch. 188 (SJR 38) Speraw New River pollution

This measure would memorialize the President and the Congress to appropriately recognize and declare that a clear and present threat to public health and safety exists in the Imperial Valley as a direct consequence of continuing toxic contamination and organic pollution of the New River, originating within Baja California, Mexico The measure would request the President to immediately direct the Secretary of State and the Administrator of the Environmental Protection Agency, in cooperation with the state and specified state and local entities, to expedite the development of alternative proposals and a recommended plan for halting the flow of contaminants and pollutants in the New River, and would request the Congress to appropriate, and the President to allocate and direct, sufficient federal resources for the implementation and completion of an effective water quality control system within the New River watershed

Res. Ch 189 (ACR 168) Harris National Hispanic University.

This measure would recognize and commend the National Hispanic University for being the only postsecondary educational institution in the state authorized to award degrees which has the primary mission of improving Hispanic students' access to, and success in, higher education This measure would also request the various departments and agencies responsible for public education in the state to recognize that the National

Hispanic University has a noble and necessary mission which is a significant part of higher education in California

Res Ch. 190 (AJR 75) Vasconcellos United States-Soviet Union student exchange for peace program.

This measure would memorialize the President of the United States and the United States Congress to create a United States-Soviet Union student exchange for peace program.

Res Ch 191 (AJR 76) Vasconcellos Nuclear weapons freeze

This measure would request the Senate of the United States to approve a Senate Joint Resolution which would bring about a nuclear weapons freeze

DIGESTS OF RESOLUTIONS ADOPTED IN 1984

1983-84 SECOND EXTRAORDINARY SESSION

RESOLUTION CHAPTERS

Res Ch. 1 (SCR 2) Roberti Adjournment of 1983-84 Second Extraordinary Session

This measure would provide that the 1983-84 Second Extraordinary Session of the Legislature shall adjourn sine die on adjournment on February 17, 1984

CROSS REFERENCE TABLES

BILL TO CHAPTER NUMBER

1984

1983-84 REGULAR SESSION

CROSS REFERENCE TABLES

Bill to Chapter Number

ASSEMBLY BILLS

Assembly Bill	Chapter	Assembly Bill	Chapter	Assembly Bill	Chapter
40	45	770	1005	1247	1373
43	1242	781	19	1252	118
62	421	796	103	1268	70
82	1641	804	163	1274	1676
84	11	809	365	1275	1374
85	1354	810	20	1285	252
88	116	815	845	1301	848
94	32	830	1556	1309	40
139	1471	832	1515	1336	89
178	1655	834	67	1342	12
191	1402	837	33	1346	1082
203	147	838	1224	1367	35
207	274	839	846	1381	110
232	311	844	185	1399	114
247	46	848	1437	1426	41
281	1663	861	522	1427	423
286	181	862	1225	1428	38
294	766	870	422	1439	468
390	16	888	78	1453	88
392	68	894	102	1455	13
401	1261	899	17	1458	87
437	52	910	651	1460	1671
448	235	915	93	1478	204
469	1486	943	139	1483	65
470	3	990	1444	1498	849
479	1189	1021	184	1511	53
484	104	1031	1422	1512	2
501	1724	1047	760	1515	1509
504	96	1051	146	1522	10
507	1485	1073	1226	1527	1605
511	1040	1078	1491	1539	1375
514	44	1107	1561	1557	1447
517	1262	1110	254	1562	1618
521	1197	1111	51	1567	779
526	844	1144	81	1568	229
529	674	1153	540	1569	135
578	588	1154	59	1592	1721
611	69	1155	1324	1597	1684
621	778	1166	1006	1609	1094
626	60	1172	1650	1614	107
628	659	1190	292	1617	232
630	1372	1220	450	1618	850
633	642	1225	227	1619	23
669	27	1230	1740	1620	36
690	117	1232	1648	1621	61
697	289	1235	1735	1630	569
705	39	1239	394	1637	1686
727	248	1244	847	1639	1550
737	1748	1245	521	1663	1063
744	788	1246	242	1676	310

Assembly Bill	Chapter	Assembly Bill	Chapter	Assembly Bill	Chapter
1681	1007	2191	84	2297	1707
1689	1463	2192	805	2298	706
1714	308	2194	610	2299	246
1716	1168	2196	596	2301	601
1732	377	2198	266	2304	201
1739	1551	2201	995	2305	996
1763	1263	2202	71	2306	1576
1768	1653	2204	851	2307	1264
1772	63	2205	481	2308	628
1786	1347	2206	1321	2309	937
1787	338	2207	467	2311	277
1797	520	2208	655	2312	1669
1798	21	2211	936	2313	258
1800	55	2212	548	2315	563
1813	1469	2213	677	2318	673
1828	34	2215	1458	2321	633
1835	29	2217	125	2325	283
1836	30	2218	400	2330	99
1837	42	2219	1496	2331	587
1848	80	2223	361	2332	360
1849	448	2224	97	2333	1535
1872	392	2225	1601	2335	119
1873	380	2226	1637	2337	115
1878	1670	2227	1468	2338	425
1895	82	2228	852	2340	126
1904	424	2229	853	2341	564
1914	599	2234	656	2343	241
1916	137	2236	854	2345	946
1954	14	2238	1397	2347	947
1981	994	2242	789	2348	582
1991	1169	2248	403	2349	855
1992	101	2249	362	2350	1127
1995	47	2252	113	2352	295
1999	86	2253	1415	2354	391
2001	259	2254	290	2356	105
2002	1008	2255	527	2357	426
2008	22	2256	155	2358	281
2027	1652	2257	1625	2359	707
2033	765	2264	1629	2361	997
2038	1009	2268	477	2363	1229
2047	1068	2270	451	2366	1465
2089	28	2274	1733	2367	638
2099	5	2275	757	2368	972
2104	142	2276	519	2372	913
2106	611	2277	1243	2373	647
2110	43	2278	240	2374	298
2122	37	2279	971	2376	1069
2131	85	2280	562	2377	1751
2132	48	2281	100	2378	914
2164	18	2282	493	2379	485
2165	24	2283	621	2380	938
2167	245	2284	1227	2381	1327
2172	8	2285	1228	2382	134
2179	54	2286	156	2383	565
2182	7	2287	1346	2384	627
2183	378	2290	892	2386	279
2185	1594	2292	74	2389	486
2189	56	2295	538	2392	247

Assembly Bill	Chapter	Assembly Bill	Chapter	Assembly Bill	Chapter
2393	213	2493	288	2595	861
2396	856	2494	1538	2597	862
2397	453	2495	90	2598	1291
2398	620	2496	199	2601	472
2400	1719	2497	987	2602	526
2401	150	2501	1430	2603	431
2402	1265	2503	1476	2604	357
2408	239	2504	1511	2605	785
2409	1744	2505	1198	2606	951
2410	1345	2509	427	2608	679
2411	637	2511	1232	2612	454
2412	973	2512	1483	2613	1199
2416	200	2514	1602	2614	1620
2417	478	2515	419	2615	1518
2419	1464	2516	470	2616	293
2420	217	2518	518	2619	1268
2421	420	2519	358	2622	1723
2422	559	2520	988	2623	618
2424	1378	2522	644	2626	1418
2427	1420	2523	143	2629	525
2429	127	2525	931	2633	863
2431	708	2526	148	2634	1012
2432	930	2527	571	2635	1386
2433	678	2529	122	2637	1013
2434	1230	2532	230	2639	1695
2435	287	2533	194	2640	791
2436	1467	2534	428	2642	1525
2438	484	2535	495	2644	415
2440	1610	2536	445	2646	1377
2441	205	2537	1095	2648	1722
2443	1638	2539	858	2650	432
2445	893	2540	1084	2654	864
2446	133	2541	161	2655	1622
2447	790	2542	429	2656	433
2448	614	2544	859	2657	1434
2452	1083	2546	206	2658	129
2454	570	2547	619	2659	631
2456	709	2548	710	2661	517
2458	359	2549	948	2662	313
2462	128	2551	949	2663	1481
2464	237	2553	1267	2666	304
2465	1231	2556	1128	2668	1041
2466	1315	2558	397	2669	479
2468	1266	2559	430	2672	178
2474	306	2565	335	2674	865
2475	894	2566	895	2675	1479
2476	1575	2571	915	2677	192
2477	857	2573	411	2681	1685
2480	483	2575	382	2682	476
2481	1011	2576	950	2687	1269
2482	300	2577	381	2688	1552
2483	1607	2578	896	2691	356
2484	395	2579	1691	2692	866
2487	645	2580	1689	2693	524
2488	233	2583	1514	2695	636
2490	1103	2585	860	2696	792
2491	216	2591	466	2697	1679
2492	243	2594	383	2698	1712

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2700	215	2802	351	2917	557
2701	162	2804	795	2919	131
2702	1170	2806	234	2922	872
2703	1246	2808	1282	2926	953
2705	974	2811	1085	2927	873
2707	434	2813	130	2928	1466
2708	1370	2818	1574	2937	954
2709	1613	2819	713	2940	715
2710	1718	2822	1096	2941	393
2712	867	2824	1549	2943	1087
2713	1384	2827	385	2947	977
2714	384	2830	407	2948	1234
2719	1449	2831	680	2950	681
2722	793	2832	1116	2952	978
2724	868	2834	1756	2954	874
2725	49	2836	1104	2955	675
2727	1581	2840	1726	2959	589
2728	286	2841	1677	2960	897
2729	475	2843	489	2961	1436
2733	1599	2845	1621	2965	1431
2734	975	2846	1271	2969	875
2739	463	2847	545	2970	1642
2741	409	2848	1536	2972	537
2743	1680	2849	1086	2975	499
2744	869	2851	1200	2976	1649
2746	1487	2852	1233	2977	496
2749	932	2853	1382	2978	979
2750	222	2858	952	2979	1171
2751	465	2860	1588	2981	1190
2752	355	2865	916	2983	759
2753	354	2867	1070	2984	876
2754	353	2869	751	2985	452
2755	794	2870	1503	2986	191
2756	756	2872	1755	2987	989
2758	1425	2873	1105	2988	877
2759	398	2874	1502	2989	1088
2760	546	2875	179	2992	1681
2761	1752	2876	250	3000	1661
2764	1270	2877	396	3002	682
2765	1340	2878	1376	3003	435
2767	1757	2880	190	3004	218
2768	758	2881	223	3005	1473
2769	711	2883	917	3006	955
2774	608	2884	1042	3007	1717
2775	1052	2885	1000	3008	1016
2776	1305	2890	1010	3016	225
2778	976	2893	1014	3018	807
2780	870	2895	207	3019	1539
2782	1711	2897	586	3021	1404
2786	1659	2905	650	3022	458
2787	998	2907	585	3024	157
2788	871	2908	1587	3025	141
2790	352	2909	1598	3026	1283
2791	652	2911	276	3027	494
2793	712	2912	584	3031	1619
2794	244	2913	1658	3036	956
2796	474	2914	714	3042	1292
2801	999	2916	1015	3045	273

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3048	151	3143	516	3268	1021
3051	572	3144	471	3270	1162
3052	980	3151	536	3272	991
3054	1053	3153	1349	3275	1497
3055	1472	3157	1732	3277	343
3056	918	3158	1174	3278	158
3057	410	3161	554	3279	1239
3058	981	3163	957	3281	613
3059	808	3164	1072	3284	299
3060	990	3168	958	3286	630
3065	1492	3171	436	3288	160
3066	1035	3172	346	3289	1022
3067	764	3173	1019	3291	402
3068	809	3174	717	3293	1023
3073	267	3177	1445	3294	822
3074	1054	3178	935	3295	882
3075	1614	3180	881	3296	1192
3079	1694	3181	1687	3306	1455
3080	455	3187	1348	3309	1240
3081	1235	3188	456	3313	1569
3083	810	3190	535	3314	796
3084	716	3192	461	3320	439
3085	1017	3193	814	3321	1284
3087	1172	3198	1582	3326	1285
3088	350	3200	406	3327	408
3089	919	3201	1238	3328	1586
3091	1293	3202	818	3330	305
3092	683	3204	301	3331	1024
3094	684	3205	819	3333	1073
3095	811	3206	345	3336	1175
3100	1657	3210	1191	3338	1728
3101	878	3211	457	3340	187
3103	762	3212	1753	3341	1573
3104	1568	3214	344	3342	640
3105	879	3217	1393	3343	899
3106	812	3219	1380	3344	1742
3107	813	3221	238	3346	1439
3110	920	3227	1161	3348	1557
3112	349	3228	1675	3350	1627
3113	1173	3229	685	3352	900
3114	1071	3230	1490	3356	1106
3115	1018	3231	437	3360	574
3116	414	3233	1355	3361	280
3117	780	3236	534	3362	959
3118	1129	3237	547	3366	405
3121	1460	3239	718	3367	413
3123	1702	3242	189	3369	1741
3125	1236	3245	820	3372	1286
3128	1201	3246	1036	3373	291
3130	348	3248	1020	3374	823
3131	921	3250	898	3375	1055
3132	1237	3253	1337	3379	278
3133	1336	3254	821	3380	159
3137	1462	3260	438	3382	1074
3138	1603	3263	1037	3384	686
3139	347	3264	1628	3385	1097
3141	556	3266	1606	3386	412
3142	880	3267	922	3387	817

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3391	1241	3536	1288	3668	1044
3396	576	3544	1461	3671	302
3397	1530	3545	961	3672	340
3398	364	3546	1193	3673	720
3400	1674	3550	531	3674	1056
3402	533	3551	1117	3675	963
3403	883	3554	1500	3676	182
3405	386	3555	1098	3684	1664
3406	1287	3557	1075	3687	641
3407	1633	3560	530	3688	1560
3408	824	3565	1038	3698	828
3411	1580	3566	1543	3703	1045
3417	884	3568	826	3706	639
3419	1025	3570	1028	3711	1057
3420	532	3572	388	3712	1273
3422	1089	3574	750	3714	761
3429	1026	3577	595	3715	721
3434	753	3579	1076	3716	1176
3435	1368	3585	1077	3720	1585
3436	901	3589	1272	3728	1429
3438	1533	3593	1673	3733	460
3439	1484	3598	904	3735	1411
3443	1480	3599	754	3737	1578
3444	404	3606	462	3738	260
3445	1739	3607	555	3741	1164
3447	1537	3611	607	3744	1388
3449	902	3614	755	3747	1309
3453	1202	3617	594	3748	1366
3460	1706	3618	208	3750	1440
3464	1203	3619	1078	3753	553
3465	747	3621	529	3756	1079
3469	903	3622	664	3757	482
3471	561	3624	389	3759	558
3472	249	3625	1194	3761	1593
3473	1508	3629	528	3762	1165
3474	1524	3632	1747	3765	646
3475	825	3635	745	3768	746
3478	784	3636	654	3772	440
3482	387	3638	1306	3773	1406
3493	342	3639	827	3775	1178
3496	1392	3642	1645	3776	1401
3497	1456	3644	573	3777	1204
3499	1579	3645	1510	3778	1364
3505	1027	3646	1709	3781	1584
3508	1738	3648	1521	3782	1701
3509	1417	3650	1043	3783	374
3510	1504	3654	1177	3789	1130
3513	960	3655	992	3791	1274
3514	923	3657	1307	3792	1656
3519	719	3658	1570	3796	1688
3520	1571	3659	1308	3797	933
3521	1583	3661	1029	3800	885
3522	106	3662	1623	3805	444
3525	1532	3663	962	3806	1746
3527	1408	3664	1163	3810	924
3529	341	3665	544	3812	441
3530	752	3666	781	3820	1107
3535	1654	3667	1542	3821	1046

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3823	829	3888	1636	3967	964
3825	1131	3889	1572	3971	906
3830	442	3891	1181	3977	723
3831	1660	3892	1118	3978	1647
3833	1205	3897	1595	3984	1493
3834	722	3898	188	3989	1577
3835	612	3899	1099	3992	219
3836	1612	3900	1626	3993	1344
3838	1446	3904	339	4000	1275
3839	1206	3905	982	4006	1310
3840	401	3906	552	4009	515
3842	1643	3909	787	4020	523
3844	1369	3910	1047	4023	1316
3848	1590	3912	363	4025	1399
3849	264	3915	635	4026	1100
3850	1672	3916	459	4027	270
3852	551	3917	1457	4029	140
3853	1179	3920	1474	4030	399
3855	464	3921	1330	4032	643
3859	550	3924	1031	4033	1498
3864	549	3929	830	4034	1651
3870	797	3930	1182	4035	1383
3872	1328	3933	1294	4036	965
3873	1329	3935	1410	4037	1353
3874	905	3936	1478	4040	390
3875	687	3938	1662	4042	886
3876	1635	3940	626	4043	1526
3878	1180	3943	1750	4044	939
3879	1736	3945	1132	4045	1400
3881	1407	3949	1438	4046	983
3883	1058	3951	1640	4047	1546
3884	934	3953	993	4051	887
3885	1030	3954	925	4056	1276
3886	1195	3966	1540		

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50	1133	824	73	1290	1548
74	75	847	221	1292	109
118	98	850	1322	1293	1608
125	375	856	1101	1294	372
160	1048	880	665	1297	1749
181	1326	885	966	1300	1325
185	1665	895	667	1301	314
190	1134	931	211	1302	1454
195	598	946	662	1305	577
222	94	949	261	1306	1121
235	1207	950	669	1307	513
253	123	953	1396	1308	132
271	269	956	908	1309	226
283	95	957	1389	1310	224
310	4	961	940	1311	688
314	76	964	379	1312	689
349	31	968	1489	1315	251
351	26	970	1212	1317	690
365	1311	972	1247	1318	543
366	92	973	1363	1319	1059
377	514	986	1183	1320	578
380	1564	989	842	1321	91
387	336	993	501	1322	691
392	888	995	1196	1323	692
401	1634	1016	1136	1324	149
404	1	1021	941	1325	512
406	9	1023	79	1328	307
430	907	1042	66	1330	138
450	1743	1044	909	1331	1427
487	1259	1061	309	1332	632
512	6	1079	1213	1333	1646
544	443	1092	120	1334	1110
548	111	1103	272	1336	1137
555	831	1112	660	1337	1600
571	1001	1119	366	1338	832
585	1668	1120	275	1341	1631
599	57	1122	236	1345	1632
608	1108	1123	1248	1348	649
613	1704	1124	1391	1351	124
617	15	1134	1666	1352	231
630	64	1139	676	1353	210
645	1759	1142	767	1355	1250
666	1109	1152	62	1358	253
669	1516	1196	1693	1359	575
682	1357	1200	108	1362	196
695	1616	1232	724	1364	112
706	1331	1235	1528	1365	312
709	1002	1251	1249	1366	1705
720	1135	1252	1289	1367	602
721	72	1257	1214	1370	186
733	1003	1264	725	1374	1470
775	256	1268	58	1375	282
780	1119	1283	615	1376	1138

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1379	268	1481	490	1594	1529
1380	1139	1482	1032	1595	1061
1386	625	1485	833	1597	329
1387	1523	1486	730	1598	1452
1389	542	1487	624	1599	167
1394	726	1488	508	1601	1145
1396	910	1489	491	1602	1167
1400	666	1492	1060	1604	370
1401	1140	1493	1320	1605	330
1403	83	1495	1547	1606	834
1405	511	1503	695	1607	285
1406	579	1504	1517	1608	316
1407	324	1507	168	1611	1215
1408	798	1508	1379	1612	1428
1410	1295	1510	1141	1614	731
1411	658	1514	890	1615	1244
1412	510	1518	318	1618	1716
1413	373	1519	175	1621	1123
1416	183	1521	768	1623	506
1417	153	1522	1142	1625	1112
1418	1090	1523	220	1627	1216
1419	170	1524	327	1629	1034
1421	509	1526	1143	1633	1555
1422	325	1530	1351	1634	144
1425	1332	1531	1049	1635	320
1427	727	1533	1339	1636	174
1428	1453	1534	507	1640	498
1430	889	1535	1394	1641	600
1432	228	1537	782	1642	331
1433	539	1541	597	1644	284
1435	693	1543	1251	1647	696
1436	728	1545	145	1649	697
1438	670	1549	1184	1653	806
1439	177	1550	1004	1655	1451
1441	326	1551	769	1656	1520
1443	416	1553	1333	1660	1113
1444	661	1554	786	1662	604
1445	271	1556	197	1663	1217
1447	371	1559	1362	1664	891
1448	1390	1564	799	1665	1715
1449	1122	1565	315	1666	321
1451	560	1567	1208	1667	1218
1454	195	1569	663	1669	800
1455	1111	1570	1507	1671	1296
1456	152	1571	294	1672	1219
1459	694	1572	1144	1674	1604
1462	603	1573	169	1676	368
1464	176	1574	1534	1677	1209
1465	376	1576	265	1678	1644
1466	1499	1577	487	1679	500
1468	815	1578	1421	1681	657
1472	1609	1579	1441	1682	166
1473	984	1580	328	1685	622
1474	1682	1582	1033	1686	748
1475	164	1583	488	1688	173
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1699	1567	1813	1350	1963	773
1702	1554	1815	566	1964	783
1706	1730	1816	926	1965	1708
1709	172	1824	1731	1966	1051
1716	1358	1825	1513	1967	1544
1720	648	1828	193	1969	737
1723	1714	1831	1527	1971	738
1724	634	1832	1566	1972	319
1725	214	1835	580	1975	968
1726	835	1837	943	1978	1093
1727	942	1838	1252	1981	212
1728	1210	1840	1114	1982	1424
1731	337	1841	1760	1983	1553
1733	967	1842	332	1984	1488
1734	1146	1843	1253	1987	1278
1736	1124	1845	801	1989	1412
1738	732	1849	1254	1991	1501
1739	1381	1851	1387	1992	418
1747	733	1853	1151	1993	165
1749	1185	1858	1318	1995	617
1751	698	1864	333	1996	616
1752	1147	1865	255	1997	1125
1754	1615	1867	1403	1998	1153
1758	1505	1868	1475	2003	1597
1761	303	1870	700	2004	1450
1762	671	1872	927	2008	263
1763	1221	1875	1064	2012	1754
1765	417	1878	497	2014	1154
1766	1413	1879	1361	2016	1279
1769	171	1885	701	2021	449
1770	1062	1886	505	2022	1280
1771	1148	1889	1697	2023	1398
1772	1512	1891	1335	2025	702
1773	699	1893	1558	2028	774
1776	749	1896	1115	2030	1683
1778	763	1899	1423	2035	1352
1781	629	1902	705	2036	837
1782	772	1904	1152	2037	257
1783	1334	1905	836	2039	1592
1785	985	1906	296	2041	1297
1786	568	1907	735	2042	739
1787	1091	1912	605	2044	668
1788	591	1913	1720	2045	944
1790	1545	1914	1432	2046	740
1791	1696	1915	1725	2047	1166
1792	1317	1916	1050	2049	1710
1793	209	1919	1531	2051	1256
1794	1186	1920	736	2052	1589
1795	1495	1922	492	2055	1298
1796	1149	1923	1255	2058	502
1798	1591	1928	1342	2060	1758
1799	1150	1929	1700	2062	1745
1800	154	1930	1223	2064	1506
1802	1443	1932	322	2065	1477
1803	1624	1933	1092	2067	843
1804	734	1940	1563	2071	1299

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2076	77	2155	1713	2235	1562
2077	928	2156	504	2238	1304
2080	1482	2157	1302	2240	1692
2081	703	2158	1303	2242	1260
2082	1494	2160	1367	2243	1690
2083	1359	2161	1630	2248	1414
2089	369	2162	911	2251	1405
2090	1343	2163	1313	2252	1371
2091	473	2164	1211	2259	776
2092	1522	2166	1187	2260	777
2093	945	2167	1341	2262	1596
2095	741	2168	1257	2264	1519
2096	929	2171	1448	2266	203
2098	838	2174	742	2270	803
2099	1065	2179	1067	2273	1435
2102	1066	2185	1155	2274	1667
2109	1102	2186	1281	2276	804
2110	839	2189	583	2277	1156
2111	969	2191	1385	2278	986
2112	1365	2197	581	2279	1157
2116	136	2198	1699	2283	609
2117	446	2199	1419	2286	1158
2118	1703	2200	1258	2288	744
2122	317	2202	1409	2292	1160
2123	1611	2203	816	2293	1639
2125	704	2207	1081	2296	480
2126	1678	2208	1559	2301	1159
2127	1356	2209	1395	2303	840
2130	1300	2212	1360	2308	841
2131	1541	2214	1323	2310	1729
2133	1290	2215	1338	2315	323
2135	970	2216	1126	2321	1314
2136	653	2219	503	2322	672
2137	1080	2220	775	2324	567
2139	1039	2221	334	2331	1734
2140	1312	2222	802	2333	202
2142	1737	2224	1565	2334	262
2143	1301	2225	743	2336	541
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2151	1727	2229	1442		
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65	20	113	28	150	108
71	67	114	29	151	86
72	7	118	144	152	173
74	107	119	124	153	38
77	80	120	71	154	109
82	47	121	83	160	146
83	68	123	30	161	174
93	22	126	125	162	175
94	69	130	84	163	115
95	18	131	85	164	176
98	92	132	13	165	129
99	123	133	89	166	116
100	10	134	126	168	189
101	33	137	127	169	147
102	42	138	93	170	130
103	70	139	34	171	131
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60	87	101	152	129	53
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64	39	103	113	132	157
67	111	104	60	134	62
68	54	105	179	135	58
73	149	106	134	136	158
74	178	108	61	137	159
75	190	113	153	138	180
76	191	114	154	139	160
78	8	115	135	140	181
86	9	117	155	142	161
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32	45	66	163	83	76
33	31	67	73	84	120
39	23	68	74	85	103
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45	11	70	19	88	140
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47	91	73	15	91	168
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54	101	76	37	94	185
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2317,	2344,	2364,	2365,	2369,	2388,	3459,	3494,	3517,	3559,	3567,	3583,
2390,	2423,	2428,	2442,	2489,	2499,	3587,	3596,	3597,	3603,	3610,	3612,
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2592,	2611,	2631,	2638,	2645,	2647,	3681,	3682,	3683,	3693,	3713,	3721,
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2942,	2945,	2946,	2953,	2991,	3028,	3877,	3887,	3911,	3931,	3937,	3950,
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